

PUBLIC MEETING MINUTES

**Monday, June 2, 2014
6:00 p.m.**

Present were: Donald J. Wilcenski, Chairman
James H. Rich III, Vice Chairman
William J. Cremers, Member
Pierce Rafferty, Member
Martin H. Sidor, Member
Heather Lanza, Planning Director
Mark Terry, Principal Planner
Brian Cummings, Planner
Alyxandra Sabatino, Planner
Carol Kalin, Secretary

SETTING OF THE NEXT PLANNING BOARD MEETING

Donald Wilcenski: Good evening, ladies and gentlemen, and welcome to the regularly-scheduled Southold Town Planning Board Public Meeting for June 2, 2014. The first order of business is to set **Monday, July 7, 2014 at 6:00 p.m.** at the Southold Town Hall, Main Road, Southold as the time and place for the next regularly-scheduled Planning Board Meeting.

William Cremers: So moved.

Martin Sidor: Second.

Donald Wilcenski: Motion made and seconded. All in favor?

Ayes.

Donald Wilcenski: Motion carries.

SET HEARINGS

Peconic Landing Tennis Courts - In conjunction with the pending expansion project, this amended Site Plan is for the re-location of a 108' x 120' (12,960 sq. ft.) paved area for two (2) tennis courts in addition to eight (8) parking stalls with one (1) ADA stall. The property is located at 1205 NYS Route 25, on the n/s/o NYS Rte. 25, 1,121' e/o Sound Road, Greenport. SCTM#1000-35-1-25

Pierce Rafferty: Mr. Chairman, I'd like to offer the following resolution:

WHEREAS, on May 7, 2014, the agent for the applicant, Charles R. Cuddy, Esq., submitted an application for Site Plan review; and

WHEREAS, this amended Site Plan is for the re-location of a 108' x 120' (12,960 sq. ft.) paved area for two (2) tennis courts in addition to eight (8) parking stalls with one (1) ADA on 144 acres in the Hamlet Density Zoning District, Greenport; be it therefore

RESOLVED, that the Southold Town Planning Board sets **Monday, July 7, 2014 at 6:01 p.m. for a public hearing** regarding the Site Plan entitled "Tennis Courts: Peconic Landing at Southold" dated April 3, 2014 and last revised April 15, 2014, prepared by Young and Young Engineering.

Bill Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Martin Sidor, Pierce Rafferty, Bill Cremers, Don Wilcenski (Jim Rich recused): Ayes.

Donald Wilcenski: Motion carries.

Colony Pond - This proposal is for a Standard Subdivision of a 13.540-acre parcel into five lots where Lot 1 = 0.8 acres, Lot 2 = 10.5 acres, including a 1-acre building envelope, 0.3 acre right-of-way and 7 acres of preserved Open Space, and Lots 3, 4, & 5 = 0.6 acres in the R-80 Zoning District. The property is located on the s/s/o Colony Road, approximately 470' e/o Bayview Avenue, Southold. SCTM#1000-52-5-60.3

James Rich: WHEREAS, this proposal is for a Standard Subdivision to subdivide a 13.540-acre parcel into five lots where Lot 1 = 0.8 acres, Lot 2 = 10.5 acres, including a 1 acre building envelope, a 0.3 acre right-of-way and 7 acres of preserved Open Space, and Lots 3, 4, & 5 = 0.6 acres in the R-80 Zoning District; be it therefore

RESOLVED, that the Southold Town Planning Board sets **Monday, July 7, 2014 at 6:02 p.m. for a Final Public Hearing** upon the map entitled "Colony Pond Final Plat" prepared by Jeffery T. Butler, P.E., P.C. dated April, 29, 2006 and last revised January 30, 2013.

William Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

Sutton, Alexander & Tracy - This proposal is for a Standard Subdivision where two parcels, SCTM#1000-78-9-54 (1.82 acres) and SCTM#1000-78-09-78 (0.624 acres), will be re-subdivided into two new parcels. Proposed Lot 1 will be 49,291 sq. ft. and proposed Lot 2 will be 30,000 sq. ft. in the R-40 Zoning District. The property is located at 1160 North Bayview Road, 111.56' n/e/o Liberty Lane and Victoria Drive, Southold. SCTM#1000-78-9-54

Martin Sidor: WHEREAS, this proposal is for a Standard Subdivision of a 1.82-acre parcel where in 2010 the Zoning Board of Appeals granted an area variance to allow for this parcel to be subdivided into two lots where Lot 1 equals 1.13 acres and Lot 2 equals 0.69 acres, located in the R-40 Zoning District; be it therefore,

RESOLVED, that the Southold Town Planning Board sets **Monday, July 7, 2014 at 6:03 p.m. for a Preliminary Public Hearing** upon the map entitled "Preliminary Plat Standard Subdivision Prepared for Alexander L. and Tracy M. Sutton" prepared by Nathan Taft Corwin III, Land Surveyor, dated June 15, 2007, last revised May 8, 2012.

William Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

Malon Industries, Inc. - This amended site plan is for the proposed construction of eight (8) land-banked parking stalls located north of the existing parking area (near the northern property line) on 1.2 acres in the General Business Zoning District. The property is located at 32845 NYS Route 25, ±105' s/w/o Cox Lane & NYS Route 25, Cutchogue. SCTM#1000-97-5-4.5

Bill Cremers: WHEREAS, on August 23, 2013, the agent for the applicant, Charles R. Cuddy, Esq., submitted an application for amended Site Plan review; and

WHEREAS, this amended Site Plan is for the proposed construction of eight (8) land-banked parking stalls located north of the existing parking area (near the northern property line) on 1.2 acres in the General Business Zoning District, Cutchogue; be it therefore

RESOLVED, that the Southold Town Planning Board sets **Monday, July 7, 2014 at 6:04 p.m. for a public hearing** regarding the Site Plan entitled "Malon Commercial Property" dated April 16, 2014, prepared by Mark Schwartz, AIA.

Martin Sidor: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

SUBDIVISIONS – CONDITIONAL SKETCH DETERMINATIONS

Skwara, The Estate of Joyce - This proposal is for a Standard Subdivision of a 1.77-acre parcel where in 1989 the Zoning Board of Appeals granted an area variance to allow for this parcel to be subdivided into two lots where Lot 1 equals 0.92 acres and Lot 2 equals 0.85 acres in the R-80 Zoning District. The property is located at 3720 Wells Road, on the n/s/o Wells Road, approximately 3,592' s/o the Main Road, Peconic. SCTM#1000-86-1-14

Pierce Rafferty: Mr. Chairman, I'd like to offer the following resolution:

WHEREAS, this proposal is for a Standard Subdivision of a 1.77 acre parcel where in 1989 the Zoning Board of Appeals granted an area variance to allow for this parcel to be subdivided into two lots where Lot 1 equals 0.92 acres and Lot 2 equals 0.85 acres, located in the R-80 Zoning District; and

WHEREAS, on February 24, 2014, the agent submitted a Sketch Plan Application with other required material for submission pursuant to Article V Sketch Plat Review; and

WHEREAS, on March 21, 2014, the agent submitted a quit claim deed from Peconic Land trust to Skwara; and

WHEREAS, on March 26, 2014, the Planning Board reviewed the application at their Work Session and found the application complete with items to be submitted; and

WHEREAS, on April 2, 2014, the agent submitted two surveys showing trees with a diameter of 18" or larger located on the property as requested by the Planning Board at their March 26th Work Session; and

WHEREAS, on May 5, 2014, the agent submitted a referral response from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) stating that the project will have no impact upon cultural resources or are eligible for inclusion in the State and National Register of Historic Places; and

WHEREAS, on May 19, 2014, the Planning Board reviewed the application and agreed that it meets all the requirements for Sketch Approval pursuant to Article V Sketch Plat Review; be it therefore

RESOLVED, that the Southold Town Planning Board hereby **grants Conditional Sketch Plan Approval** upon the map entitled "Map of Proposed Land Division at Wells Road, Peconic" dated December 22, 2013, prepared by Kenneth M. Woychuk, Land Surveyor, with the following conditions:

- a. Submission of all Preliminary Plat requirements pursuant to §240-16 Submission and §240-17 Technical requirement of the Southold Town Code.
- b. Building Envelopes on Lots 1 and 2 may be amended in the Preliminary Plat review to conform to clearing restrictions and required setbacks.

Jim Rich: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

SUBDIVISIONS – CONDITIONAL PRELIMINARY DETERMINATIONS

Stanton, Phil & Jennifer - This proposal is for a Standard Subdivision of a 5.32-acre parcel into three lots where Lot 1 equals 2.45 acres, Lot 2 equals 1.25 acres, and Lot 3 equals 1.63 acres in the R-40 Zoning District. The property is located at 845 Maple Avenue, at the end of Maple Avenue, approximately 679' s/o Route 25, Southold. SCTM#1000-64-1-29

James Rich: Mr. Chairman, I offer the following:

WHEREAS, this proposal is a Standard Subdivision of a 5.32-acre parcel into three lots where Lot 1 equals 2.45 acres, Lot 2 equals 1.25 acres, and Lot 3 equals 1.63 acres, located in the R-40 Zoning District; and

WHEREAS, on November 19, 2012, the Southold Town Planning Board granted Conditional Sketch Plan Approval upon the map prepared by Peconic Surveyors, P.C.

entitled "Preliminary Map of Philip and Jennifer Stanton" dated July 16, 2008 and last revised October 15, 2012, with conditions; and

WHEREAS, on December 14, 2012, the agent submitted a Preliminary Plat Application, application fee, and two copies of the Preliminary Plat; and

WHEREAS, on January 10, 2013, Planning Staff requested that 12 copies of the Preliminary Plat and 6 copies of the Preliminary Road and Drainage Plan be submitted to complete the application; and

WHEREAS, on March 18, 2013, the agent submitted copies of the Preliminary Plat and Preliminary Road & Drainage Plan; and

WHEREAS, on March 20, 2013, a referral was sent to the Office of the Town Engineer to review the submitted Preliminary Road and Drainage Plans; and

WHEREAS, on March 20, 2013, the Office of the Town Engineer contacted the agent and requested revisions be made to the Preliminary Road and Drainage Plans; and

WHEREAS, on June 4, 2013, the agent submitted the revisions made to the Preliminary Road and Drainage Plans as requested by the Office of the Town Engineer; and

WHEREAS, on June 6, 2013, a referral was sent to the Office of the Town Engineer to review the revised Preliminary Road and Drainage Plans; and

WHEREAS, on July 18, 2013, a referral was sent to the Suffolk County Planning Commission requesting comments pursuant to Section A14-24, Suffolk County Administrative Code and a SEQRA request for Lead Agency; and

WHEREAS, on August 12, 2013, the Suffolk County Planning Commission responded to the referral request stating that the application is considered to be a matter for local determination and the Commission has not objection to the Town assuming Lead Agency; and

WHEREAS, on August 22, 2013, the Town of Southold Local Waterfront Revitalization Program (LWRP) Coordinator reviewed this application and has recommended the proposed project be found consistent with the policies of the Southold Town LWRP; and

WHEREAS, on September 3, 2013, the Office of the Town Engineer responded to the referral request with comments; and

WHEREAS, on September 9, 2013, the Planning Board, at their Work Session, reviewed the application, found the application complete and requested revisions to be made to the map; and

WHEREAS, on September 10, 2013, the Planning Board set the Preliminary Public Hearing for October 7, 2013; and

WHEREAS, on September 20, 2013, a memorandum was sent to the Planning Board stating that the Board of Trustees would conduct a field inspection of the site; and

WHEREAS, on October 8, 2013, the Preliminary Public Hearing was held and closed; and

WHEREAS, on October 11, 2013, the Board of Trustees responded to the referral the Planning Board sent stating that "The Board has concerns of a proposed 4' wide path to the water and for a proposed docking facility as there are various species of wetland vegetation that would have to be cleared in order to provide access to the water that has been delineated as a Non-Disturbance Buffer Area. The Board would prefer a community docking facility in lieu of a dock for each parcel in subdivisions"; and

WHEREAS, on October 21, 2013, the Planning Board, at their Work Session, reviewed comments from the Preliminary Public Hearing and the Office of the Trustees and requested changes be made to the Preliminary Plat; and

WHEREAS, on January 6, 2014, the agent submitted Zoning Board of Appeals approval (Permit Number 6705) to address non-conformities that would be made through the subdivision; and

WHEREAS, on April 1, 2014, the agent submitted draft Covenants and Restrictions as requested by the Planning Board; and

WHEREAS, on April 21, 2014, the agent submitted revised prints of the Preliminary Plat; and

WHEREAS, on May 5, 2014, at their Work Session the Planning Board reviewed the submitted documents and accepted the draft Covenants and Restrictions; and

WHEREAS, on May 16, 2014, the agent submitted a Letter of Water Availability from the Suffolk County Water Authority; and

WHEREAS, the Planning Board performed a coordinated review of this Unlisted Action pursuant to 6 NYCRR Part 617, Section 617.7 of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, on May 19, 2014, the Planning Board reviewed the application at their Work Session and found that all requirements of Preliminary Plat have been met pursuant to section 240-17 Technical Requirements of the Southold Town Code; be it therefore

RESOLVED, that the Southold Town Planning Board, pursuant to SEQRA hereby declares Lead Agency status for the SEQRA review of this unlisted action;

William Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

Jim Rich: and be it further RESOLVED, that the Planning Board, pursuant to SEQRA, hereby makes a determination of non-significance for the proposed action and **grants a Negative Declaration**;

William Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

Jim Rich: and be it further RESOLVED, that the Southold Town Planning Board has determined that this proposed action is consistent with the policies of the Town of Southold LWRP;

William Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

Jim Rich: and be it further RESOLVED, that the Southold Town Planning Board hereby **grants Conditional Preliminary Plat Approval** upon the map prepared by Peconic Surveyors, P.C. entitled "Preliminary Map of Philip and Jennifer Stanton" dated July 16, 2008 and last revised December 3, 2013, with the following conditions:

- a. Submission of all requirements pursuant to §240-20 Final Submission and §240-21 Technical requirement of the Southold Town Code;
- b. Submission of an approved Heath Department stamped map.
- c. The Final Plat must include the following:
 - i. All requirements pursuant to 240-21 B Technical Requirements

- ii. The Final Plat must be titled "Final Plat for the Standard Subdivision of..."

William Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

SUBDIVISIONS – FINAL DETERMINATIONS

Moody & Tognozzi - This proposed Lot Line Modification transfers 1.21 acres from SCTM#1000-98-1-2.7 to SCTM#1000-98-1-2.6 and SCTM#1000-98-1-2.8. Lot 2.7 will decrease in size from 1.21 acres to 0.00 acres, Lot 2.6 will increase from 0.98 acres to 1.59 acres, and Lot 2.8 will increase from 1.26 acres to 1.86 acres. The property is located on the s/s/o Leslie's Road, approximately 538' w/o Indian Neck Lane, Peconic.

Martin Sidor: WHEREAS, this proposed Lot Line Modification transfers 1.21 acres from SCTM#1000-98-1-2.7 to SCTM#1000-98-1-2.6 and SCTM#1000-98-1-2.8. Lot 2.7 will decrease in size from 1.21 acres to 0.00 acres, Lot 2.6 will increase from 0.98 acres to 1.59 acres, and Lot 2.8 will increase from 1.26 acres to 1.86 acres; and

WHEREAS, on March 12, 2014, a Lot Line Modification Application was submitted; and

WHEREAS, on March 24, 2014, at their Work Session, the Planning Board reviewed the application and found it complete with items to be submitted immediately; and

WHEREAS, on March 26, 2014, the applicant submitted draft deeds; and

WHEREAS, on April 2, 2014, referrals were sent out to all applicable agencies; and

WHEREAS, on April 7, 2014, the Planning Board set the Public Hearing; and

WHEREAS, on April 22, 2014, the Southold Fire District responded to the referral stating that there is adequate fire protection for this property; and

WHEREAS, on May 5, 2014, the Planning Board held and closed the public hearing; and

WHEREAS, on May 19, 2014, at their Work Session, the Planning Board reviewed and accepted the referral response from the Southold Fire District and the submitted draft deeds; and

WHEREAS, the Southold Town Planning Board, pursuant to Town Code §240-56, Waivers of Certain Provisions, may waive certain elements of the subdivision review if

in its judgment they are not requisite in the interest of the public health, safety and general welfare. After reviewing the information submitted for this application, the Planning Board has determined that it is eligible for a waiver of the Environmental Resources Site Analysis Plan (ERSAP), the Primary and Secondary Conservation Area Plan, the public hearing, and the Sketch Plan and Preliminary Plat steps of the subdivision process for the following reasons:

1. No new lots are being created;
2. No changes will occur as a result of this lot line change that would adversely affect the character of the neighborhood; and

WHEREAS, the Planning Board performed an uncoordinated review of this Unlisted Action pursuant to 6 NYCRR Part 617, Section 617.7 of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, pursuant to the Lot Line Modification Policy set by the Planning Board in February 2011, this application is eligible for a decision from the Planning Board prior to receiving approval by the Suffolk County Department of Health Services (SCDHS) as it meets the following criterion set forth in that policy:

- where no new development potential will be created in the parcel to which the land is transferred; and

WHEREAS, on February 26, 2014, at their Work Session, the Planning Board determined that the proposed action meets all the necessary requirements of Town Code §240-57 for a Lot Line Modification; be it therefore

RESOLVED, that the Southold Town Planning Board, pursuant to SEQRA, hereby makes a determination of non-significance for the proposed Lot Line Modification and **grants a Negative Declaration;**

Bill Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

Martin Sidor: and be it further RESOLVED, that the Southold Town Planning Board hereby waives the requirements of Town Code §240 to submit the ERSAP, Primary and Secondary Conservation Plans, Sketch Plan and Preliminary Plat steps;

Bill Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

Martin Sidor: and be it further RESOLVED, that the Southold Town Planning Board hereby waives the requirement for SCDHS approval prior to Planning Board approval of this Lot Line Modification;

Bill Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

Martin Sidor: and be it further RESOLVED, that the Southold Town Planning Board **grants Final Approval** on the maps entitled "Lot Line Modification Map of Lots 5, 6 & 7 Map of East Hill Section 1" prepared by Nathan Taft Corwin III, Land Surveyor, dated March 28, 2011, and authorizes the Chairman to endorse the map.

Bill Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

SITE PLAN DETERMINATIONS

Tidy Car - This amended Site Plan is for the applicant to conduct motor vehicle and accessory sales on a previously developed 1.49-acre parcel located in the General Business Zoning District. The property is located at 3585 Youngs Avenue, on the corner of Youngs Avenue & County Road 48, Southold. SCTM1000-55-5-2.2

Bill Cremers: WHEREAS, this amended Site Plan is for the applicant to conduct motor vehicle and accessory sales on a previously developed 1.49-acre parcel located in the General Business Zoning District, pursuant to the decision of the Zoning Board of Appeals File #SE6319; and

WHEREAS, on September 23, 2009, Thomas J. McCarthy, agent, submitted an application for Site Plan review; and

WHEREAS, at a Work Session held on October 5, 2009, the Planning Board reviewed the application and determined it incomplete, requiring further information and revisions to the Site Plan; and

WHEREAS, on April 15, 2010, the Southold Town Zoning Board of Appeals (ZBA) sent a letter to William Penney, owner, notifying him that the ZBA application had been dormant since December 3, 2009 and the information required by the Planning Board for the amended Site Plan Application had yet to be submitted; and

WHEREAS, on May 13, 2010, Thomas J. McCarthy, agent, submitted materials and information to the Planning Department for review; and

WHEREAS, at a Work Session held on June 14, 2010, the Planning Board formally accepted the application for review; and

WHEREAS, on June 16, 2010, the Planning Board, pursuant to Southold Town Code §280-131 C., distributed the application to the required agencies for their comments; and

WHEREAS, on June 24, 2010, the Southold Fire District determined there was adequate fire protection and emergency access for the site; and

WHEREAS, on August 9, 2010, a public hearing was held and subsequently closed; and

WHEREAS, on August 31, 2010, the Southold Town Engineer reviewed the above-referenced application and required additional information and revisions to the Site Plan; and

WHEREAS, on October 21, 2010, the Southold Town Architectural Review Committee reviewed the application and the plans were revised to the satisfaction of the Planning Board; and

WHEREAS, on October 21, 2010, the Southold Town Zoning Board of Appeals (ZBA) reviewed the request for Special Exception under §280-48B(12) for approval of the proposed use to conduct motor vehicle and accessory sales. The ZBA subsequently granted the Special Exception as applied for as recorded in their File #SE6319 subject to the following three (3) conditions:

1. Products shall only be displayed within the designated areas described as "Display Area" & "Staging Area" shown on the Planning Board Approved Site Plan.
2. Items to be displayed shall be limited to accessories for trucks, trailers, and recreational vehicles only. This Special Exception Permit does not authorize the expansion of retail sales into products associated with watercrafts, canoes, kayaks, water sports or camping equipment as

proposed in a letter from Thomas J. McCarthy, the applicant's agent, dated September 9, 2010.

3. The ZBA reserves the right to hold a public hearing on due notice to consider rescinding the Special Exception, if it is determined that the property owner is in violation of the above stated conditions; and

WHEREAS, on November 12, 2010, the Town of Southold LWRP Coordinator reviewed the above-referenced project and determined the proposed project to be consistent with Southold Town LWRP policies; and

WHEREAS, on April 7, 2011, the Suffolk County Department of Public Works (SCDPW) stated that a permit from the SCDPW is required pursuant to Section 136 of the Highway Law for the proposed access and any improvements deemed necessary along the County right-of-way; and

WHEREAS, on May 10, 2012, the Planning Board issued a certified letter to the applicant notifying him that there had been no activity on the amended Site Plan Application since November 15, 2010 and to submit the required information listed in the Board's November 29, 2010 letter (six items) within thirty days or the application will be considered withdrawn and a complaint will be filed with the Southold Town Code Enforcement Officer; and

WHEREAS, on May 17, 2012, Thomas J. McCarthy, agent, submitted materials and information to the Planning Department for review; and

WHEREAS, on May 30, 2012, the revised Site Plan Application was referred to the Southold Town Engineer for comments; and

WHEREAS, on June 19, 2012, the Southold Town Engineer reviewed the above-referenced application and determined that the proposed drainage meets the minimum requirements of Chapter 236 for Storm Water Management; and

WHEREAS, on January 30, 2013, the Planning Board issued a certified letter to the applicant notifying him that there had been no activity on the amended Site Plan Application since June 4, 2012 and to submit the required information listed in the Board's July 19, 2012 letter (six items) within thirty days or the application will be considered withdrawn and a complaint will be filed with the Southold Town Code Enforcement Officer; and

WHEREAS, on February 27, 2013, Thomas J. McCarthy, agent, submitted materials and information to the Planning Department for review; and

WHEREAS, on May 21, 2013, the SCDPW issued Highway Work Permit #48-291 to "construct a 28 ft. wide commercial street type access with full depth pavement, concrete curbs with 25 ft. curb return radii and pedestrian ramps as per ADA requirements. Remove existing access. Remove existing sidewalk along entire frontage and replace with graded top soil and seed. Restore the County right-of-way. All work

shall be performed in accordance with the stamped permit plans and in accordance with this Department's most recent general, traffic and material specifications and as directed by the County engineer. Existing drainage structures in the County right-of-way must be covered during construction to prevent debris from entering the County's system. The applicant and/or their contractor will be responsible for cleaning any basins in the County right-of-way if evidence of construction debris is observed. Prior to the start of any work, the stamped permit plan and attached construction detail and notes must be provided to the applicant's contractor and said contractor must arrange a pre-construction meeting with Ken Dantzig at 852-4788 a minimum of 48 hours prior to start of work"; and

WHEREAS, at a Work Session held on March 18, 2013, the Planning Board reviewed the submitted materials and required five (5) items in a subsequent letter to the applicant dated March 20, 2013; and

WHEREAS, on June 5, 2013, Thomas J. McCarthy, agent, submitted materials and information to the Planning Department for review including a copy of the Highway Work Permit issued by the SCDPW and a letter from the owner ensuring the Planning Board that the interior light bulbs within the existing non-compliant sign would be removed; and

WHEREAS, between July 15, 2013 and November 18, 2013, the application was reviewed at four (4) Work Sessions which included discussions regarding the SCDPW Permit allowing the existing sidewalk to be removed. The Planning Board required the sidewalk to remain in order to facilitate safe pedestrian travel and access within the proximity of Youngs Avenue and County Road 48, a dangerous and busy intersection; and

WHEREAS, on November 13, 2013, a site visit was conducted by Planning Staff and Bob Hillman & Ken Dantzig of the SCDPW to observe and discuss the existing sidewalk and adjacent intersection with respect to public health, safety and welfare. It was determined that the sidewalk could be safely removed due to the fact that the existing use on site didn't generate pedestrian traffic and that the sidewalk was originally incorrectly constructed, specifically, the location of ADA ramps providing access to crossing points of the intersection; and

WHEREAS, on November 20, 2013, a follow-up letter was issued to the applicant requiring four (4) items including confirmation that SCDPW Highway Work Permit #48-291 was not required to be revised; and

WHEREAS, on January 27, 2014, William Penney, owner, submitted materials and information to the Planning Department for review; and

WHEREAS, at a Work Session held on February 24, 2014, the Planning Board required three (3) items in their subsequent letter, dated February 27, 2014, including the filing of a Covenant and Restriction; and

WHEREAS, on May 8, 2014, the Planning Board filed a Code Complaint with the Southold Town Code Enforcement Officer stating that the subject site continues to operate without benefit of Site Plan approval as required in the ZBA Special Exception determination File #SE6319. A certified letter was sent to William Penney notifying him of the Code Complaint and the fact that the amended Site Plan Application had been dormant since January 27, 2014 and, to date, had been over three (3) years since the application was submitted; and

WHEREAS, on May 13, 2014, William Penney, owner, submitted materials and information to the Planning Department for review; and

WHEREAS, on May 13, 2014, William Penney, owner, filed a Covenant and Restriction with the Office of the Suffolk County Clerk as required by the Planning Board under Liber D00012773 Page 880, stating "in the event that the adjacent parcel to the west (SCTM#1000-55-5-2.4) is improved with a sidewalk, the declarant shall construct a connecting sidewalk within 12 months in order to facilitate safe pedestrian access along County Road 48. The sidewalk shall be constructed in compliance with all pertinent SCDPW rules and regulations"; and

WHEREAS, on May 30, 2014, the Southold Town Chief Building Inspector reviewed and certified the the use, to conduct motor vehicle and accessory sales, as permitted in this General Business (B) Zoning District pursuant to ZBA Decision File #SE6319; and

WHEREAS, on June 2, 2014, the Southold Town Planning Board determined that all applicable requirements of the Site Plan Regulations, Article XXIV, §280 – Site Plan Approval of the Town of Southold, have been met; be it therefore

RESOLVED, that the Southold Town Planning Board has determined that this proposed action is consistent with the policies of the Town of Southold Local Waterfront Revitalization Program;

Martin Sidor: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

Bill Cremers: and be it further RESOLVED, that the Southold Town Planning Board **grants Approval with two (2) conditions** to the site plan entitled "Tidy Car" prepared by Steven L. Maresca, P.E., dated December 21, 2005, last revised May 7, 2014, and authorizes the Chairman to endorse the Site Plan with the following four (4) plans:

1. S-1: General Site Plan
2. S-2: Drainage Calcs & Specs
3. S-3: Paving Specifications
4. S-4: Landscape Plan

Conditions:

1. The sign shall not be internally lit. Any changes to the sign must be approved by the Planning Board.
2. Pursuant to the Covenant and Restriction Liber D00012773 Page 880, in the event that the adjacent parcel to the west (SCTM#1000-55-5-2.4) is improved with a sidewalk, the declarant shall construct a connecting sidewalk within 12 months in order to facilitate safe pedestrian access along County Road 48. The sidewalk shall be constructed in compliance with all pertinent SCDPW rules and regulations.

Martin Sidor: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

Strong's Marine Pavilion - This amended application is for the proposed construction of a 32' x 24' (640 sq. ft.) pool cabana with two (2) pergolas at 14' x 20', storage and attached changing rooms with no plumbing on 8.8 acres in the Marine II Zoning District. The property is located at 2255 Wickham Avenue, 670' n/w/o CR 48 and Wickham Avenue, Mattituck. SCTM#1000-114-3-1

Pierce Rafferty: WHEREAS, this amended application is for the proposed construction of a 32' x 24' (640 sq. ft.) pool cabana with two (2) pergolas at 14' x 20', storage and attached changing rooms with no plumbing on 8.8 acres in the Marine II Zoning District, Mattituck; and

WHEREAS, the applicant submitted an application for Site Plan review on March 10, 2014; and

WHEREAS, at a Work Session held on March 25, 2014, the Planning Board accepted the application for review; and

WHEREAS, on April 1, 2014, the Planning Board, pursuant to Southold Town Code §280-131 C., distributed the application to the required agencies for their comments; and

WHEREAS, the Southold Town Planning Board, pursuant to State Environmental Quality Review (SEQR) 6 NYCRR, Part 617.5, has determined that the proposed action is a Type II Action as it falls within the following description for 6 NYCRR, Part 617.5 (c) (7) "construction or expansion of a primary or accessory/appurtenant, non-residential

structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities" therefore not subject to SEQRA review; and

WHEREAS, on April 9, 2014, the Southold Town Fire Inspector reviewed and determined that there was adequate fire protection and emergency access for the site; and

WHEREAS, on April 11, 2014, the Mattituck Fire District determined there was adequate fire protection and emergency access for the site and recommended that all drives and entry ways meet Southold Town Code §280-109(c); and

WHEREAS, on April 16, 2014, the Southold Town Engineer reviewed the above-referenced application and has determined that the proposed drainage meets the minimum requirements of Chapter 236 for Storm Water Management; and

WHEREAS, the Southold Town Planning Board, pursuant to §280-133 C of the Southold Town Code, has the discretion to waive any or all of the requirements in §280-133 so long as they are not necessary to further the objectives set forth in Town Code §280-129 to maintain public health, safety, and welfare. The Planning Board has found that this application is eligible for a waiver of certain elements of Site Plan requirements including §280-133: B1(g), B4(c+d). Due to the existing buildings for the marina and restaurant operations on site, the Board utilized aerials and local knowledge for adjoining lands within 500' of the subject parcel; no additional signage or exterior lighting was proposed; and

WHEREAS, the Southold Town Planning Board, pursuant to Southold Town Code §280-131 B (5), has the discretion to vary or waive the parking requirements for Site Plan Applications where doing so would not have a detrimental effect on the public health, safety or general welfare, and will not have the effect of nullifying the intent and provision of the Site Plan Requirements chapter of the Town Code. The Planning Board has found that this application is eligible for a waiver of parking requirements because there is no need to provide for parking - the application is for a pool cabana and pergolas in order to provide shade, changing rooms and the storage of pool equipment as a part of the existing pool area which is accessory to the active marina operation with ample existing parking; and

WHEREAS, on April 23, 2014, the Southold Town Trustees granted Wetland Permit # 8397 to construct a 24' x 32' pool pavilion (covered and unenclosed) with two (2) attached 14' x 20' pergolas, two (2) enclosed 10' x 15' changing areas, and a 10' x 28' pool equipment storage area as depicted on the site plan prepared by Jeffrey T. butler, P.E., P.C., last dated March 24, 2014 and stamped approved on April 23, 2014; and

WHEREAS, on April 24, 2014, the Southold Town Architectural Review Committee reviewed the proposed project and approved of its design as submitted; and

WHEREAS, on May 5, 2014, a public hearing was held and subsequently closed; and

WHEREAS, on May 14, 2014, the Town of Southold LWRP Coordinator reviewed the above-referenced project and has determined the proposed project to be consistent with Southold Town LWRP policies; and

WHEREAS, on June 2, 2014, the Southold Town Planning Board determined that all applicable requirements of the Site Plan Regulations, Article XXIV, §280 – Site Plan Approval of the Town of Southold have been met; and

WHEREAS, on May 30, 2014, the Southold Town Chief Building Inspector reviewed and certified the proposed Site Plan as a permitted use in the Marine-II Zoning District; be it therefore

RESOLVED, that the Southold Town Planning Board hereby waives certain Site Plan Application requirements as noted above;

Martin Sidor: Second.

Jim Rich, Vice Chair: Motion made and seconded. Any discussion? All in favor?

Martin Sidor, Bill Cremers, Pierce Rafferty, Jim Rich (Don Wilcenski recused): Ayes.

Pierce Rafferty: and be it further RESOLVED, that the Southold Town Planning Board hereby waives the parking requirements as noted above;

Bill Cremers: Second.

Jim Rich: Motion made and seconded. Any discussion? All in favor?

Martin Sidor, Bill Cremers, Pierce Rafferty, Jim Rich (Don Wilcenski recused): Ayes.

Pierce Rafferty: and be it further RESOLVED, that the Southold Town Planning Board has determined that this proposed action is consistent with the policies of the Town of Southold Local Waterfront Revitalization Program;

Bill Cremers: Second.

Jim Rich: Motion made and seconded. Any discussion? All in favor?

Martin Sidor, Bill Cremers, Pierce Rafferty, Jim Rich (Don Wilcenski recused): Ayes.

Pierce Rafferty: and be it further RESOLVED, that the Southold Town Planning Board **grants Approval** to the amended Site Plan entitled “Amended Site Plan for: Strong’s Marine Pavilion” prepared by Daniel A. Butler, R.A., last dated March 24, 2014, and authorizes the Chairman to endorse the Site Plan with the following five (5) plans:

1. A-0.0: Amended Site Plan
2. A-1.0: Foundation and Floor Plans
3. A-2.0: Roof Framing and Roof Plans

4. A-3.0: Exterior Elevations
5. A-4.0: Sections and Details

Bill Cremers: Second.

Jim Rich: Motion made and seconded. Any discussion? All in favor?

Martin Sidor, Bill Cremers, Pierce Rafferty, Jim Rich (Don Wilcenski recused): Ayes.

Jim Rich: Motions are passed.

APPROVAL EXTENSIONS

De Art of Nature, LLC - This approved Site Plan is for a 17,888 sq. ft. addition to an existing 37,183 sq. ft. glass greenhouse structure and two (2) new office trailers @ 720 sq. ft. each on a 5.8-acre parcel in the A-C Zoning District. The property is located at 23423 CR 48, ±900' east of Cox Lane and CR 48, Cutchogue. SCTM#1000-84-1-10.4

Jim Rich: Mr. Chairman, I offer the following:

WHEREAS, this Site Plan is for a 17,888 sq. ft. addition to an existing 37,183 sq. ft. glass greenhouse structure and two (2) new office trailers @ 720 sq. ft. each on a 5.8 acre parcel in the A-C Zoning District, Cutchogue; and

WHEREAS, at a Work Session held on February 27, 2012, the Planning Board accepted the application for review; and

WHEREAS, on May 5, 2012, the Southold Town Zoning Board of Appeals reviewed the application and request for variances, whereby granting the variances as applied for with three (3) conditions for the site plan, dated December 15, 2011, prepared by Garrett A. Strang, Architect; and

WHEREAS, on April 9, 2012, the Southold Town Planning Board, pursuant to State Environmental Quality Review (SEQR) 6 NYCRR, Part 617.5 (c) determined that the proposed action is a Type II Action as it falls within the description for 6 NYCRR, Part 617.5 (c) (3); and

WHEREAS, on August 13, 2012, the Southold Town Planning Board granted approval on the Site Plan entitled "Proposed Greenhouse Addition for De Art of Nature", prepared by Garrett A. Strang, R.A., dated December 15, 2011 and last revised June 29, 2012; and

WHEREAS, on February 14, 2014, the Site Plan Approval expired; and

WHEREAS, on May 2, 2014, the agent, Garrett Strang, submitted a request for an Extension of Site Plan Approval due to several circumstances including weather related matters; and

WHEREAS, at a Work Session held on May 19, 2014, the Planning Board reviewed the application and determined the expired Site Plan is in compliance with current rules and regulations; be it therefore

RESOLVED, that the Southold Town Planning Board **grants an Extension of Site Plan Approval for eighteen (18) months from February 14, 2014 to August 14, 2015** on the Site Plan entitled "Proposed Greenhouse Addition for De Art of Nature" prepared by Garrett A. Strang, R.A. dated December 15, 2011 and last revised June 29, 2012.

Bill Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

Peconic Land Trust, Inc. Greenhouses - This approved Site Plan is for two 16' x 24' (384 sq. ft.) greenhouses for agricultural use on a 21-acre (Town Development Rights) parcel in the R-80 Zoning District. The property is located at 3005 Youngs Avenue, ±1/4 mile south of Middle Road, Southold. SCTM#1000-63-1-25.3

Martin Sidor: WHEREAS, this Site Plan is for two 16' x 24' (384 sq. ft.) greenhouses for agricultural use on a 21-acre (Town Development Rights) parcel in the R-80 Zoning District, Youngs Avenue, Southold; and

WHEREAS, at a Work Session held on May 15, 2012, the Planning Board accepted the application for review; and

WHEREAS, the Southold Town Planning Board pursuant to State Environmental Quality Review (SEQR) (6 NYCRR, Part 617.5 (c) (3) has determined that the proposed action is a Type II Action as it falls within the following description for 6 NYCRR, Part 617.5(c) (3) "agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming" and therefore not subject to SEQRA review; and

WHEREAS, the Southold Town Planning Board, pursuant to §280-133 C of the Southold Town Code, has the discretion to waive any or all of the requirements in §280-133 for those applications involving uses strictly related to agriculture as long as they are not necessary to further the objectives set forth in Town Code §280-129 to maintain

public health, safety, and welfare. The Planning Board has found that this application is eligible for a waiver of certain elements of the Site Plan requirements because it is an agricultural use; and

WHEREAS, the Southold Town Planning Board, pursuant to Southold Town Code §280-131 B (5), has the discretion to vary or waive the parking requirements for Site Plan Applications where doing so would not have a detrimental effect on the public health, safety or general welfare and will not have the effect of nullifying the intent and provision of the Site Plan Requirements chapter of the Town Code. The Planning Board has found that this application is eligible for a waiver of parking requirements because there is no need to provide for parking - the application is for an agricultural use and part of an active farm operation and the parcel is large in size relative to the proposed structure (0.04% lot coverage); and

WHEREAS, on October 23, 2012, the Southold Town Planning Board granted approval on the Site Plan entitled "Agricultural Center" prepared by Dawn Liubenov on May 14, 2012 last revised August 20, 2012; and

WHEREAS, on April 22, 2014, the Site Plan Approval expired; and

WHEREAS, on May 19, 2014, the agent, Kimberly Quarty, submitted a letter requesting an Extension of Site Plan Approval for six (6) months due to conflicting planning schedules and a pending purchase of additional farmland; and

WHEREAS, at a Work Session held on June 2, 2014, the Planning Board reviewed the application and determined the expired site plan is in compliance with current rules and regulations; be it therefore

RESOLVED, that the Southold Town Planning Board **grants an Extension of Site Plan Approval for one (1) year from April 22, 2014 to April 22, 2015** on the Site Plan entitled "Agricultural Center" prepared by Dawn Liubenov on May 14, 2012 and last revised August 20, 2012.

Bill Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

PUBLIC HEARING HELD OVER FROM MAY 5, 2014 AGENDA

Peconic Landing - This amended Site Plan is for the proposed construction of two new buildings at Peconic Landing, an existing continuing care retirement community with

118 cottages, 132 apartments, 24 assisted living and 32 skilled nursing beds currently. The additions include an 87,426 sq. ft. apartment building with 46 apartments and a parking garage, and a 35,543 sq. ft. nursing home with 33 beds, including a reconfiguration of the parking lot on 144 acres in the Hamlet Density Zoning District. The property is located at 1205 NYS Route 25, 1,121' east of Sound Road, Greenport. SCTM#1000-35-1-25

Donald Wilcenski: This is a continuation from last month—we left it open to get more information either by mail or to give someone a chance to speak tonight if they couldn't make the last meeting. At this time I'd like to ask anyone from the audience if they would like to address the Board on Peconic Landing's application. Please step to one of the podiums, state your name and write your name for the record.

Charles Cuddy, Esq.: Good evening, Chairman and member of the Board. I represent Peconic Landing at Southold. We did air all of the issues I think at the last meeting, but we just received a letter today from the North Fork Environmental Council. I just want to completely address the issues that they raise. First was the variance to the three-story building. On the record, it should be noted that that was granted months ago by the Zoning Board of Appeals. It's not something that is now before the Board. Secondly, they raise the question of attaching or hooking up to Greenport Wastewater District. That's within the jurisdiction completely of the Health Department. I'm sure we are willing to rely upon the Health Department; we are conversant with the wastewater treatment that we need, and I am sure the Board will also rely upon their determination.

It's not something we can wait a year on; we have to get that determination soon. So, I think that answers the issues that they raised. Bob Syron is here with me tonight; he is the President and CEO of Peconic Landing. If there are any other questions, we'd be happy to answer them. Thank you.

Donald Wilcenski: Thank you, Mr. Cuddy. Would anybody else in the audience like to address the Board on Peconic Landing? Anybody from staff? Any of the Board members... anybody?

William Cremers: Mr. Chairman, I'll make a motion to close the hearing.

Martin Sidor: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

(Bill Cremers, Pierce Rafferty, Martin Sidor, Don Wilcenski, Jim Rich recused): Ayes.

Donald Wilcenski: Motion carries. That hearing is closed. Thank you.

PUBLIC HEARINGS

6:01 p.m. - Greenport Harbor Brewery - This proposed amended Site Plan is for the renovation of three (3) existing buildings--formerly an auto dealership--into a micro-brewery. Buildings 1 & 2 total ±13,000 sq. ft. and contain a micro-brewery production facility; Building 3 is 2,560 sq. ft. with a 2,100 sq. ft. addition and contains a tasting room and brew pub; Building 4 is a new 1,200 sq. ft. equipment storage building, all on 2.89 acres in the General Business (B) Zoning District. The property is located at 42155 Route 25, on the corner of Peconic Lane and NYS Route 25, Peconic. SCTM#1000-75-1-14

Donald Wilcenski: At this time I'd like to ask anyone from the audience if they would like to address the Board on the Greenport Harbor Brewery application.

Richard Vandenburg, 1505 Oak Drive, Southold, NY: Mr. Chairman, I am one of the owners of Greenport Harbor Brewery. With me tonight is my partner, John Leggi, of 110 Bellevue Avenue, Port Washington, NY. We are here in support of the application for site plan approval. Briefly, Greenport Harbor Brewing Company is a business that John and I started five years ago actually this coming July. As some of you may know, we opened up in Greenport in an old renovated firehouse. The thing that made the firehouse in Greenport attractive to us was it was an older building that was in disrepair, falling apart, but yet had a lot of character and hidden charm in it. So, John and I invested pretty much our heart and soul and almost every nickel we had and renovated that building to the point that it is today. If I could be so bold as to say, I think it came out pretty nice. As we grew over the years, our brewery business reached a capacity at that location, so we began to look for another location that would allow us to brew additional beer. When John and I first started out, it was just he, myself and another employee. We have since grown: now we have six full time employees and ten part time employees. We are very proud of the fact that not only have we done a lot to (we think) bring outstanding world class quality beer to the East End, but we also believe that in brewing all of our beer here on the North Fork, we have done a lot to add another positive business that has been (so far, and hopefully so continues to be) successful. With that in mind, we located the old formerly Vale Pontiac and then various other iterations--Lucas Ford Building that was on the corner of Peconic Lane and the Main Road. That was another building that we saw as being able to repurpose it in a way that we could enhance not only the aesthetic character and quality of the building, but also allow us to expand our production, look to hire additional local jobs and continue to make the East End experience a positive one for draft beer enthusiasts. With that in mind, we have significantly started to undertake renovations of the main building where we hope to be very shortly conducting our production operations. As part of that, we are looking for approval of the additional use relative to the tasting room and the addition, as well as the additional building in the back that would be for dry storage. We believe firmly in being an outstanding and respectful neighbor. We have spoken to all of our neighbors that surround us and have made sure that they are all aware of the process and what's going on. I haven't had a chance to speak to everybody that we've had to notice for the public hearing today, but I think everybody is in support of it, so I'm happy to answer.... Oh, I have (pause)... So the idea is to create an area where we would have a public component that would be allow people to come

in and sample the beers in one of the structures that was formerly a detail shop and has kind of an associated beer garden area. We've provided for the parking as well as the land bank parking areas on the property to accommodate full capacity as well as some additional events. Keeping in mind that we want to make sure that we have no on-street; making sure that everything is off street parking for purposes of any of those events that we hold. I guess that's about it. Hopefully we will receive your approval.

Donald Wilcenski: Thank you, Mr. Vandenburg. Would anybody else from the audience like to speak on the public hearing for Greenport Harbor Brewery? Anybody on this side of the room? Yes, sir. Please state and write your name for the record and address the Board.

Steve Bellavia, 380 Lupton Point, Mattituck, NY: I am here for my Uncle Ben from Wells Lane, Southold. He asked me to ask for consideration of a traffic light at that intersection once this is completed because it's already a pretty dangerous intersection and he just asked if this is something that is considered in your planning. From my end I just want to make sure they use dark sky compliant lighting so that it doesn't get any brighter than Custer Institute already is.

Donald Wilcenski: Yes, everything is dark sky compliant in the town, and we will take your comments into consideration. Thank you. Would anyone else like to address the Board on Greenport Harbor Brewery? Does staff or any Board member have any questions for Mr. Vanderburg? Hearing none.....

William Cremers: I make a motion to close the hearing.

James Rich: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries. Thank you very much.

6:02 p.m. - The Blue Inn - This proposed amended Site Plan is to expand a current ±1,070 sq. ft. restaurant use to include being open to the public pursuant to ZBA File SE6675. Also on site are an existing motel and inn on 1.37 acres in the Resort Residential (RR) Zoning District. The property is located at 7850 NYS Route 25, East Marion. SCTM#1000-31-6-17.2

Donald Wilcenski: I'd like to ask anyone from the audience at this time who would like to address the Board on The Blue Inn application.

Samuel Glass, Managing Member, The Blue Inn, 7850 Main Road, LLC: Mr. Chairman, my name is Samuel Glass. I'm the Managing Member of the Blue Inn, 7850 Main Road, LLC. We made an application to the Zoning Board many months ago which was

approved subject to this Board discussing the parking. I can only say that's the background. We have been operating The Blue Inn for approximately four years. Prior to that it was shuttered. It had been in existence at that location for more than 60 years. In order for us to continue as a restaurant, we need the assistance and the public to come to our Inn because the amount of guests that we have does not allow us to continue with it. We find that to have a restaurant is a very good thing - forget the travel hours to come out here and stay at the Blue Inn and we feel that to accommodate them, we need to do that. In addition, I know of many members of the neighborhood who would like to dine at the Blue Inn, but we are not able to serve them because we are restricted as to who can come in - they have to be either a guest or a relation of a guest at the hotel because of the term "ancillary". So, we made this application before the Zoning Board and, as I said, they did approve it with a question of the parking. Presently, we have 29 rooms and we have more than 29 parking spots. In addition, we have parking on our grass area that we pointed to on the survey that we gave you, which would give us an additional 12-14 spaces. If, as the Zoning Board had mentioned, that we use valet parking—we submitted a letter from the professional valet service that would allow us to have up to an additional 26 parking spots. So, we do comply with having the parking for both the Inn as well as the restaurant. I don't know if we are ever going to have that many people there, but we do have, you know, the facilities to do that. There will be no off-street parking. Basically, everything else that's there - we are not making any changes - it's just the issue of having enough patronage to the Inn so that we can continue with it. I would just ask that your committee grant us this application because I believe it's in the best interest of Southold. I think having people come out here and enjoying themselves and being able to shop and do whatever else in the area, such as the brewery who just came before you - and any other businesses, need more people especially during the summer when the businesses do make money. I thank you very much for your time.

Donald Wilcenski: Thank you, Mr. Glass. Anybody else in the audience who would like to address the Board on the Blue Inn? Please state and write your name for the record.

Robin Imandt, East Marion: I live in East Marion. I live diagonally across the street from the Blue and have lived there since 1994. My concern about the property and the parking and the cars is: how are they going in and how are they going out? Are they going out onto Old Orchard Lane, which is a quiet little residential street? Are they going out onto the Main Road?

The question also is: we have a history with the Blue - not with Mr. Glass' version of the Blue, but in the past. So, we are all sort of on edge to see that we are not going to go down the road again that we went down before, which was hell. It was torture. We were tortured by music; we were tortured by rowdy people rolling on people's lawns; we were tortured by parking on the road. I have pictures that are not from - actually, they are from the current owner - when they had a restaurant, and you'll see parking up and down the road. So, we are very concerned about that. I am also the President-elect of the East Marion Community Association, so I'm going to put that hat on for a minute and say that we are committed to maintaining the rural and agricultural character of East Marion and our mission is that we want to work with people, but we also want to

be the quiet hamlet that it is. There is no Hamlet Business Center; there's a post office, a general store and that's about it. So, we are looking for quiet - that's why we moved there. We don't want to hear blastingly loud music. The other thing I'd like to ask Mr. Glass is what kind of music? Is it amplified? Where are the amps, where are the speakers going to be facing? And things like that so if we could hear from him, that would be great.

Donald Wilcenski: OK. Mr. Glass, maybe you could just hold off and see if there are any other comments; you can rebut at the end. Anybody else would like to address the Board?

Anne Murray, East Marion Resident: Hi, my name is Anne Murray and I'm also a resident of East Marion. I have a question for the Board, actually. What is the formula that you use for allowing parking at a motel? I know there's some formula that you use, isn't there? For how many spaces for how many rooms?

Donald Wilcenski: Yes. I'll get that information for you.

Anne Murray: I don't know if you've had a chance to look at the application, but it appears that Mr. Glass wants to park these extra cars on the grass and I think you should look very carefully at this because, as my neighbor Robin said, Old Orchard Lane, first of all, is really very narrow so two cars can't pass without being very careful and if those cars are going to be coming in off Old Orchard Lane, that would really be a big problem for East Marion. That's Number One and Number Two: I don't know that there's the space for that, frankly. And we are hoping that, you know, if the Planning Board does approve this, that you require him as the Zoning Board decided, to have the valet do the parking of the cars and not clog up the Main Road as well because, as you probably know, it's a very dangerous area. We have the Lavender Farm, we have Sep's Farm and we have the Orient Ferry traffic going by. Getting that clogged up could be very, very dangerous.

Donald Wilcenski: Yes. We have that information; I'm not privy to it right now. But I know between the ZBA's decision, as well as our study that we do for parking and capacities, we will have those numbers. And that will be taken into consideration.

Anne Murray: I think most residents of the hamlet would agree with me that we would want the customers of the restaurant to come in through the entrance on the Main Road, but I don't know if that's possible given the way out of the motel. Would they be able to drive past the pool and up in the back to the grass? I don't really know. I think you really need to carefully examine it and maybe go visit the site and you'll see what we mean.

Donald Wilcenski: We will do a site visit. We've been there at least once.

Anne Murray: OK. Thanks. Do you know what the formula is?

Heather Lanza: Actually, it's in our Code and we can just send it to you. We haven't analyzed all that yet.

Anne Murray: OK. Thanks.

Donald Wilcenski: Would anybody else like to address the Board on the Blue Inn?

Joseph Zizzo, 8245 Main Road, East Marion: Good evening. My name is Joseph Zizzo. I am a homeowner in East Marion, basically across the street from the Blue Inn. As Robin said earlier, you know, we've had a very tough history with this property with the previous owner violating virtually every code of decency that a neighbor could violate: music until all hours; I had people wrestling on my lawn and police cars up on my grass with light shining in my windows. This went on until the colder months. My son was young; he couldn't sleep with the windows closed. We are not encouraged by the ruling of the Zoning Board to grant a Special Exception. We are anxious to see if Mr. Glass will comply with all the situations of that Special Exception, but the concern is that there is a slow creep toward what we used to have there. That restaurant was built without the approval of any Town body, and was only approved after the fact and that will stand for East Marion residents as one of the worst rulings ever - it was allowed to stay. Before the previous owner took over the Blue, there was a restaurant there. This restaurant had a patio with a tent that was built - if not illegally, at least it was against zoning regulations, but it was allowed to stay. This is the only reason Mr. Glass has the opportunity to have a restaurant there, because the previous owner built it in such a way. So, we are very concerned now that Mr. Glass comply and is able to operate this restaurant while maintaining the quality of the neighborhood that we have now which, thankfully, has been quiet since the previous owner left. I don't know of any East Marion residents that Mr. Glass speaks of who would like to dine at the Blue Inn. If they are here tonight, I'd like to meet them. There are none. We don't want this restaurant. We will tenuously, peacefully co-exist with Mr. Glass if he is a good neighbor. But nobody in East Marion wants the restaurant. Let's just make that clear. So, what we ask is that you just keep the disturbance to those who live - you know, it is all residences around this restaurant. The road is very quiet at night and when you get a restaurant full of people in a place serving alcohol, and you're allowed to serve alcohol until 11:00 at night, you can hear this from ¼ mile around. Because there is no other sound. If I'm sitting in my backyard, I am going to hear Mr. Glass' restaurant. That's just the way it is. The Zoning Board has ruled. I accept that ruling. But I ask you to just please help us keep this disturbance to a minimum. Thank you.

Donald Wilcenski: Thank you for your comments. Would anybody else like to address the Board? Yes.

Jackie McKee, 715 Old Orchard Lane, East Marion: Hi, my name is Jackie McKee and I am an East Marion resident. I live on Old Orchard Lane which happens to be the road through where the second egress from the Blue Inn is located and I would find it extremely disturbing if traffic were allowed to go in and out that way because it is, in fact, a lane which leads to a private road. It is not a two lane street; it is a one lane street and I think it would complicate things enormously. Having said that, I'd like to revisit what Mr. Glass said about his restaurant being open to the public. Frankly, I don't think it's my concern, nor do I think it's your concern, whether he is financially unable to make this restaurant work without making the restaurant open to the public, because frankly, when he bought it, it wasn't able to be open to the public. If he made that kind

of decision, then that is his to own. I will go one step further and say this: in the ZBA ruling—I don't know if it's here or not, but - Mr. Glass did send a letter to the Planning Board and the ZBA saying that he would not have any signage that advertised that there was a restaurant on the premises and, subsequent to that, in the ZBA ruling, I believe it's #12, it is stipulated that he will not advertise the restaurant. Currently, there is a sign at the Blue Inn which has been there, that says "Restaurant" and it says "Dining for Lunch and Dinner". Should you grant Mr. Glass this opportunity to do this parking, I would suggest that you strongly insist that he comply with what he agreed to in the original ZBA ruling: take down the sign before he is allowed to go forward with this parking. My other question is: how many spots is he applying for? We have no knowledge of that.

Donald Wilcenski: This is an application that we are still analyzing and we are taking all of your information, the questions, and we are going through the whole process.

Jackie McKee: OK. Thank you very much for your time. Again, I just reiterate that I think it would be unwise for our community and for you as a Board to grant him anything further unless he seems to be compliant with what he has already signed.

Donald Wilcenski: Thank you for your comments. They will be taken into consideration, obviously. Anybody else who would like to address the Board?

Barbara Pfanz, 7835 Main Road, E. Marion: My name is Barbara Pfanz. I live at 7835 Main Road, diagonally opposite the Blue Inn. I just want a good neighbor. As it's been reiterated time and again, we had a long history with the Blue Inn. So far, they've been good neighbors. I'd like to keep it that way. The one part about it that I'm not happy is that they are not complying with the Dark Sky Initiative. It's really dark; those lights go right into our windows and we are not happy about that. If they could clear that up, that would be great.

The other part that worries me is, as it has been said before - the creep - it's a running joke in East Marion. It doesn't matter if it's against the law, it just goes on. And so it's been with the restaurant. So, it might be with the enlargement of the restaurant. So, I just hope that you really are on it, and I hope Mr. Glass is really on about what he can and can't do. I used to work for the Suffolk Times. If he isn't going to advertise his restaurant, I don't know how he expects to get people to come there because if he depends on the people from East Marion - I'm sure he's going to get people from East Marion to go there, but he's going to need more than that. So, how he's going to get the word out, I don't know. Thank you very much.

Donald Wilcenski: Thank you for your comments. Yes?

Kathleen Richter, 370 Old Orchard Lane, E. Marion: I live next door to the Blue. And they have been good neighbors so far. And I agree, we have had a history with the previous owners. But so far, Mr. Glass has been a very good neighbor and we want to see that continue. I enjoyed having the restaurant next door for the short time it was there. It was nice to be able to walk someplace and have a nice meal. But yes, I agree, it's the creep. We have the history of the loud noise. We have the history of the

- you know, I'm concerned with the parking - that's what my living room looks over - what they're going to be putting in for parking. Did I hear 29 cars on that piece of grass? I think that's what I heard. That concerns me. Old Orchard is a lane and a half. If there are two cars going, someone is on someone's lawn. If you park on the Main Road at night, it becomes a real issue. Which way are you going? If we can do it and make it without advertising and with just using word of mouth and whatnot - great. But we want a good neighbor and we want this to continue the way it is. So, please, watch what you are doing.

Donald Wilcenski: Thank you. Can you please sign your name for the record? Thank you. Would anybody else in the audience like to speak or direct comments to the Board with regard to the Blue Inn?

Pat Dellaportas, 8100 Main Road, E. Marion: Hi, my name is Pat Dellaportas. I live exactly next door to the Blue. Both houses are mine. One we haven't fixed yet, and one sits on the corner of 8100 Main Road. I live there. That light is on all night long. At 4:00 in the morning, I get up, it's on. It has not shut off. He also mentioned last time at a meeting something about bussing people. He owns another hotel and a restaurant on the other side - in Montauk - I don't really know, I've only been there three years. I've been a good neighbor. I had people, renters, in the house. The other night I was home, my kids came home - my kids - I picked them up. I came home at 3:00 in the morning there were 3 or 4 police cars - I don't know - one from this way on Old Orchard, one from the other way on from the Main Road. The noise was ridiculous and I don't know what happened that they were there. If you start valet parking, I'm going to be sucking up those fumes all night when I'm sleeping or when I'm resting in the house. All my poor people that I charge to stay at night in the Bed & Breakfast are going to have to listen to the valet parking all night. I don't have problems with that restaurant. I have a restaurant. I have a restaurant in town also. He is going to try parking those cars - who is going to valet the cars? While he's waiting for these cars to valet, where is it going to start - is it going to wind up across the road by Sep's, by the Lavender Farm? Because that's what's going to happen because there's a section that he used to use that he no longer can use to start it off. There is neither room for one car to pass. And advertising - he cannot advertise in East Marion; he cannot advertise in Southold or he cannot advertise in Montauk or in the city or bus people in from the city. Because he has another place so tell them all to go to the North Fork, go to the wineries. You say there is no advertising - is there no advertising in this town or any other town because I'm sure he's going to do it. And he can run his restaurant and I don't have a problem. But thirty cars and thirty guests mean thirty more cars and thirty more guests and, you know, I know because - whatever. My people do the same thing. I'm Greek, I have a barbeque, we're going out on a beautiful day. (inaudible) So, now you're bringing ten people with more cars. So, it's not going to be thirty cars. The twenty-six extra cars supposedly to be valeted on the grass - that's an eyesore. You're going to be passing by and, like the other woman said, she's looking at it from her living room. That's what she's going to be looking at - cars being parked. There's a pool there. What are they going to climb - are these kids going to climb over these cars to get into the pool if you're parking them around the pool. I don't understand. I'm not doing it to bug him and, yes, he's going to turn around and tell you that I wanted to buy the pool which is exactly it. (inaudible) I don't know what Bruce did and we're not talking about Bruce. Who

screwed up, whatever happened, whatever he did, I understand they got a bad taste in their mouth but I'm only here while he's here and I know what he's doing now. There is noise and, even now that the restaurant is barely open, you still hear noise which I'm o.k. with because people want to have a good time. They want to have a drink. They want to eat; they want to laugh. 11:00, 12:00 – when they first re-opened, it was 1:00, 2:00. Bands were playing. My tenants that were there, actually did go there and drink all night. There was free wine tasting with some music. So, it's going to happen all over again and, as I said, I'm new to this so I don't know what happened before. I'm telling you what's happening now. I know how restaurants work. We have the ability. Don't worry, valet but, where's it going to be going. Somebody's got to wait. So, if there are ten cars waiting, they are going to be on the road waiting for a valet because there is no room for him to put ten cars. (inaudible) Sorry, that's it.

Donald Wilcenski: We will find that out through the analysis process. Thank you.

Ellen Zimmerman: My name is Ellen Zimmerman. I own a home on South Lane which you can only reach by going down Old Orchard, which is a very narrow street as was mentioned before. If two cars meet on Old Orchard, one of them has to pull off onto somebody's lawn or into their driveway so the other car can pass. So, having anyone exit from The Blue Inn onto Old Orchard is going to make an additional amount of traffic which is really going to be difficult for all of the residents who have to reach their homes beyond that. Also, I am concerned about noise. To date, things have been relatively quiet at the Blue Inn compared to when the previous owner had it. But when music is being played there, due to the acoustical qualities of the area, you can hear it all the way down at the bay if it's outside. So, I want to make sure that it's clear that all music must be indoors - no outdoor music because that's a real disturbance to the entire neighborhood. Thank you.

Donald Wilcenski: Thank you. Thank you for your comments. Anyone else with comments to the Board for the Blue Inn?

Lois Eiganbroadt, 9490 Main Road, E. Marion: I live at Bay Avenue and Main Road, just down the street from The Blue. I've lived there through all these iterations. A couple of things: I have a safety concern. I was walking in front of Robin's house. Ferry traffic coming, very long - endless. Somebody coming out of The Blue couldn't wait—whipped out into the road. Three cars screeching, a trailer—it was a mess. If you've got people anxious to get out of there, I don't know what's going to happen given that situation. The other thing is, I was at the prior meeting when they applied, and Mr. Glass was sincere to me; he said he wasn't going to do the things that the other people did and, already, he's got a sign up saying Restaurant, which he's not supposed to have. What's being done about that? Who has to go and complain? How many times? How many letters have to be written to get him to comply with what he said he was going to do? This doesn't bode well, I don't think, in terms of his sincerity in following through in what he claims he's going to do.

Donald Wilcenski: Thank you. Anyone else?

Robin Imandt: In addition to hearing about where the speakers and where the music is going to be located, I also want to know are the cars being parked on the grass? If they are, that doesn't seem very environmentally friendly to me. You've got emissions going into the ground which goes into the water. We all have wells. I'd love for somebody who is an environmentalist to explain what kind of damage that could do, but I'm sure it does do damage. So, I'd like to hear about what the cars are being parked on, where is the music going to be located, where are the speakers going to be located, etc. Thank you.

Donald Wilcenski: Thank you. Yes, sir.

Joseph Zizzo: I just have a quick follow up comment. At the last hearing last Fall, at the Zoning Board, there were complaints about Mr. Glass' lighting and how it affected his neighbors and stayed on all night. He said then that he was going to do something about it. And he hasn't. It's true, in the Zoning Board ruling it says: "no sign shall be placed on the property indicating there is a restaurant on the premises". As you can see from the pictures that Robin brought, it says "Lunch and Dinner Served". So, I ask you, is this a business owner who has the good of the community at heart? Is this someone who could be trusted? We don't have a good feeling.

Donald Wilcenski: Part of our job and part of the process of site planning is to touch on all of the subjects that are being heard here tonight. Thank you. Anybody else for the Blue Inn? Please direct comments to the Board.

Grace Griffen, 435 Pine Place, E. Marion: In the November hearing that I wasn't at, Mr. Glass said that there would be special events where a bus would come in, bus tours for lunch. I thought a special permit did not allow bus tours. How would that be handled?

Donald Wilcenski: We will go through that in the ongoing analysis. Again, this is a public hearing. We are generating information. All of the comments we receive tonight will also be looked into.

Grace Griffen: I guess my concern is that he's counting on that for his business to be a success.

Donald Wilcenski: That's a different story. But your comments will be looked into.

Grace Griffen: Thank you.

Donald Wilcenski: Anybody else for the Blue Inn? Going once.... Mr. Glass, would you like to take a good shot or get shot?

Samuel Glass: Every time I come here it seems like I'm getting shot.

Donald Wilcenski: Please address the Board. We don't like getting into dialogues between -

Samuel Glass: I appreciate that. Let me start off by saying this: the lady who lives next door to me did try to buy The Blue Inn a few years ago. She wanted to run a restaurant. But notwithstanding even that, let me speak with each of these points that were made by the group. Firstly, music. Before you can go into this, you have to appreciate that we are able to operate a restaurant for our guests. Originally, when we had an agreement with the Town of Southold, it said "ancillary". I thought ancillary meant that anything while The Blue Inn operated we could do it for the public and the private. Later on, I was told that I was incorrect. So, I then made this application so that I could have public people come to the restaurant. Now, when we started about 3-1/2 or 4 years ago, some of the people here did go to the restaurant. Because we were open for guests at that particular time. We had no problem at all during that period of time. It only came later that the Town advised me that I should make the application before the Zoning Board for a Special Exception and then it would require the Planning Board. My understanding was the Planning Board was to discuss the parking and so forth. Now that we are going over this entire situation again, let me bring up this: we are entitled to have music outside until 9 p.m. and inside to 11 p.m. That's number one. The only music we ever had: we had one person who brought a banjo or a guitar outside and he sang from about 6:00-9:00 because we couldn't go later than that. We never had outdoor music. You have to realize one thing: we do run an inn and people want to go to sleep. So our first attention is to keep people overnight and have them come back. So we don't want to have noise, just like all the neighbors don't want to be kept up late with noise also. It's a concern of ours. I think that most of the people here, with exception of one or two, find that we have been good neighbors for the last four years and that we haven't caused a lot of noise, firstly because we don't want to do it - I promised them I wouldn't do it and we just don't do it. It's not good for business, and it's not good for neighbors and whatever else. Now, let's speak about the parking. The parking is one car per unit and one space for three patrons of the restaurant. We have 29 stationery parking spaces, which cover the Inn. And we have on the grass area up to 26 parking with using valet parking. Now, in terms of how we are configured, they're my neighbors; they know that you come in off the Main Road into The Blue Inn and then you park your car. It exits Orchard Lane. This has been going on for 60 years. This has been in existence for the Inn for some period of time. Maybe it's not 60, I'm sorry - I may be wrong in that respect. Our intent is to come off the Main Road and have the valet park the car. When the guests are ready, the valet will drive the car around and the guests will go forward. I have been there a number of times and I have never found the congestion that we are speaking of. The only time there is congestion, or a lot of cars, is when the ferry pulls up. Other than that, I've never seen congestion in terms of it or a lot of the cars. Now in terms of the restaurant, it's a good point what was brought up. Firstly, the Zoning Board said if we are granted this Special Exception and you approve it, we cannot have buses and that we cannot advertise in the front that we have a dining room or whatever. In front of The Blue Inn, I'm speaking about the advertising - that's what the Zoning Board said. And, if we are approved for that, we will then block that sign and take that down because we have to be in compliance with the Special Exception in terms of that. That sign was put up 4 or 5 years ago before any of this entire situation even started. So we are waiting for that. The next thing about the lights - we did do something - we did put shields on the lights. Mary O'Brien here, who lives in your community, handles matters of the Blue Inn. She put the shields up after somebody mentioned it and we did that. If it's not sufficient in terms of it, we will try to

do something else in order to make the lights less. But you know we have safety – we have guests who come out also, who may want to walk around and we don't want them to fall down. So that's the lights on the front. I think I mentioned about the sign already in terms of it and the advertising: it's my understanding that we are not able to advertise on Main Road because we don't want a sea of people coming off of their cars into us. But we can advertise in other areas, especially if we advertise the Inn, that we offer a restaurant. And I don't think that would hurt anybody if a person calls up for a reservation and they come over to our restaurant or whatever. That's why we want the public to come in. Evidently, there's a number of people in the community who won't come to us but we will speak about that two years from now and see what the situation is if you do approve this. Yesterday, they spoke about the police. There was an elderly man who had a heart attack in one of the rooms of The Blue Inn and some cars came in last night. That was what happened last night. If you check the files and see everything, we've never had an incident at the Blue Inn. We haven't had anything like that. We want to avoid having buses come. We promised we wouldn't do that. We want to be a good neighbor. All we are asking for is the ability to operate the restaurant so that we don't have to go to extremes of bringing guests from the city and giving them meals and whatever else and being an all-inclusive situation. We are trying to work within the category that everybody wants. They go backwards: six years ago or four years ago there was a fire or there were parties late at night - we're not that. We're just not. You can consider it this way. I understand East Marion residents want a sleepy town. That's what they're saying to you. They're saying "we don't want creep, we don't want that". Just to have our restaurant to have the public is not really expanding anything. By the way, we agreed to many different things. If you read the Zoning Board, they packed in so many conditions. We have a million monitors here. The moment that we don't do anything properly, they're going to be knocking at the door and, at that particular time, we are going to have to close up shop. We understand that. So we are going to look forward to doing everything that we can. There's always one or two people in the community you can't help, you just can't work with. But in most cases, the community has been pretty good in terms of it, and they have no fear from us. And I don't think that anybody can actually say that we haven't operated a good place for the last four years.

(inaudible remark from audience)

Donald Wilcenski: Excuse me, please do not speak while he is.

Samuel Glass: I do business in different locations. Somebody said I do business in Montauk; I do business in South Carolina, I do business in New York. I'm a resident of New York State all my life. They always say: do you live in the community? Well, no. The answer is no, ma'am. But what I did do is I saw an inn that was dilapidated, that was an eyesore for the community. I bought it, I fixed it up with a substantial amount of money. I hired local people to manage it, and I try to stay within the community and I try to do all that I could in terms of it. Is it a profit motive? Of course. If it wasn't for a profit motive, maybe we need more entitlement. I don't know, I don't think so. So, all I'm saying to you is: yes. I do not live exactly in the community. But what I do do is I come out here and I see that everything runs properly. I come out here to ask you - and I don't even know why I have to ask this way - to be given the right to just run the

business the way it should be. I always say to you that I realize when I went before the Zoning Board that they went politically, they did something – they agreed and they went ahead with it. I only ask that you grant me the permission to go forward and that we will not cause any problems for anyone. I can assure you that if we do, we will hear from many different sources. Thank you very much for your time.

Donald Wilcenski: Thank you, Mr. Glass. And thank you all for your comments on The Blue Inn. Everybody who has spoken tonight, your comments will be taken into consideration. They are on the record and we will address all of them. We are going to leave this public hearing open until next month. For anyone who couldn't get here tonight or anyone who would like to write any written comments, please address them to the Planning Board. So I need a motion to leave that open.

James Rich: I make a motion

Martin Sidor: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries. Thank you.

6:03 p.m. - New Suffolk Waterfront Fund, Inc. - This proposed site plan is for the re-location, renovation and addition of 47 sq. ft. to the historic Galley Ho Restaurant building, totaling 1,725 sq. ft., to include a 66-seat restaurant and 16-slip marina on 2.3 acres in the M-II Zoning District. The property is located at 650 First Street, on the corner of Main Street and First Street, New Suffolk. SCTM#1000-117-8-18

Donald Wilcenski: I'd like to begin by saying that we have received over three dozen letters, e-mails, communications both for and against. I would just like to say this is a public forum. If you did write a letter and you feel that you need to be heard, feel free to speak. If someone speaks before you and you're going to repeat the same thing, you may go ahead and do so. Just bear in mind we have a lot of people here that want to be heard. What I'd like to do is first open up and have Ms. McIntyre and Barbara please address the Board. Again, please be respectful of everyone at the podium; do not comment, yell out or talk while someone is speaking. Address the Board. They will give their presentation right now. Everybody will have a chance to speak, and at the end we will ask you to respond if you so choose.

Barbara Schnitzler, Old Harbor Road, New Suffolk: Good evening, Chair and Planning Board. I was Chair of the Waterfront Fund from 2009-2013. Pat McIntyre is also here to present. She is the present Chair of the Waterfront Fund. I think Mark Schwartz, our architect, is somewhere around here. Stacey Paetzel, our landscape architect; Joseph Fischetti, our sanitary engineer; and Gail Wickham, our attorney, could not be here this evening. Janet Geasa is here instead of Gail Wickham. In 2003, this was the site plan

that was before you: 154 boats, 182 cars, marine shed, 99-seat Galley Ho Restaurant. That was before the non-profit New Suffolk Waterfront Fund was created. Now, a mere eleven years later, you are being asked to consider the site plan that we are talking about. It has always been the goal of New Suffolk Waterfront Fund to maintain the traditional uses on this property. Both marina and eating/meeting destinations and to maintain them in the historic buildings which were on the property when we purchased it in 2010. The Peconic Land Trust bought it in 2007 and gave us time to raise the money. We purchased it from the Land Trust in 2010. The buildings are historic: you have the SPLIA list inventory in your packet showing that the Galley Ho is indeed historic and eligible for local landmark status. Our site plan has evolved; it is probably the sixth site plan we have shared with the community. Early plans had a post office and a general store—ours had burned down. They were blocked by an earlier petition. We spent a lot of time creating Marine Heritage Zoning, which would have allowed a variety of much smaller uses on the property instead of the very large intensive uses that are allowed by MII Zoning, like fish processing plants and ferry terminals. We were not successful with our attempt to create new zoning. More recently, we did a post-Sandy site plan which hung on a six foot banner on a fence on our property for over a year showing the renovated Galley Ho with the words “café” labeled on it. We made a split print even smaller, and the result is the plan that’s before you now. Our application is a site plan to renovate the Galley Ho to its pre-Sandy size, to restore its deck and add 47 sq. ft. which is the size of one of our required handicap bathrooms. We already have Zoning Board approval for an up to 66’ restaurant, which is not the topic of the hearing tonight before you, but it will be the topic of community discussions while the Galley Ho is in construction. Pat will address the Code issues which are a topic of the hearing tonight. Thank you.

Pat McIntyre, Chair of New Suffolk Waterfront Fund, Grathwohl Road, New Suffolk:

I will address the Code issues in the sequence of the Town Code for your convenience. First is Code 28-129. for the site plan objective:

129a. Parking & Circulation: Our plan shows adequate and safe access to and from the site.

129b. Parking & Circulation: Our parking requirements onsite meet Town Code and provide traffic flow and handicapped access. Truck deliveries will be accommodated on site, off street.

129c. Landscaping & Screening: Our plan changes a barren site to an attractive plan including gardens, low profile and low water plantings and ground cover maximizing the views and park-like setting.

129d. Natural Features: The high priority there is **129d.1 Conservation:** More than two acres of the property has already been protected by easements held by New York State and Peconic Land Trust, providing gardens, beach access and walkway along the water. This is consistent with our conservation goals. We have not put anything in the line of sight down Main Street to the water. We have provided access to beach water views. Our setbacks are more than twice the required amount of feet. We have 78’ on one side of the first building, and we have 75’ to the street on the other side protecting our view.

129d.2 Groundwater Protection: Our groundwater is captured by pervious surfaces, turf, drywells and drainage control. Health Department standards will be met for the raised sanitary system and separation from groundwater.

129d.3 Air Quality: An M2 Zone (which is what we are zoned) allows multiple intensive uses which are now presented by the buildable size of the property outside the New York State easement. Open space is maximized—92% open space is planned.

129e. Pavement: We have minimal paved surfaces as are shown in the plan. Safe pedestrian access is provided by paths, ramps and deckings.

129f. Lighting: is addressed by the plan. Minimizing the projection and is dark sky compliant.

129g. Sound System: Outdoor sound is limited to occasional special events with restrictions that will be imposed by the Fund. Town Code also governs this issue.

129h. Grading & Drainage: Our landscape architect designed the plan to retain all rainwater onsite. Grading is limited to that which is required by FEMA and Health Dept. and will only be that necessary to make the property safe while maintaining the views that are important to the community. Grades and grading are also reviewed by the Town Engineer and Superintendent of Highways. Our project elevation is to meet FEMA and Health Department requirements to protect against flooding.

129i. Utilities: Obviously we use public water and electric.

129j. Existing Development: The plan is at a scale consistent with the existing development. The café will expand by only 47 sq. ft. to make it functional. The plan use is significantly less than allowed in M2 Zone.

Comprehensive Plan Development: 2020 Southold Town Comprehensive Plan is still in the planning stages, but New Suffolk Community Character goals include:

Revitalizing Hamlet Waterfront with green infrastructure technology. The plan does this. Revitalizing an historic building and using current sanitary technology.

Recognize & Preserve the Unique Maritime Heritage of the Area. Once again, we do that. We're already repairing and restoring our marina right now, and the plan combines limited commercial access and a publicly acceptable waterfront café.

MII Zones Objectives: Maximize waterfront usage including commercial development within the scope of the community. Commercial use of a portion of this property will be sustained. I submitted a letter earlier today to the Planning Board indicating in more detail how we align with the Comprehensive Plan.

129k. Architecture: By renovating a SPLIA listed Galley Ho, we are maintaining the character of the existing cluster of buildings (the plan is obviously subject to ARC review). Handicapped access is definitely accommodated for our plan.

I think that covers all the site plan issues by Code. There are several issues that will be brought up I'm sure tonight by the community which are not site plan issues, but we can cover about three of them right now:

Existing New Suffolk Parking Problems: there are parking problems in New Suffolk. These are caused by lack of parking for existing businesses and, in fact, our site plan allows spaces along First Street to continue to be available for rent by Legends if they wish to resurrect this arrangement.

Raised Septic and Retaining Wall: This is a Health Department issue, but Joe Fischetti, our engineer who couldn't be here tonight, addressed this for us on his behalf. He said "initial analysis of the property found groundwater to be approximately 4' below the ground surface. To provide the proper distance separation between the bottom of our leaching pool and ground water, the system requires to be raised about 4' above. This provides the following protection: (1) the effluents from the system filters through sand layer prior to entering the groundwater. It should be noted that any sanitary system in the adjacent community--both commercial and residential--that are not constructed above ground have the bottoms of their system in the groundwater. It is those systems that reach directly into the surface water without filtration and cause the most problems. (2) the front sanitary system is located in the FEMA AE6 Flood Zone. This means that there is a 1% chance of surface flooding up to the 6' elevation. The system that I designed has its surface at an elevation of 8'. Any surface flooding should have no detrimental effect on the sanitary system.

Project Elevation and Scale: The finished height of the new Galley Ho will be 2.25' higher than the old Galley Ho, and is governed by FEMA, and only 47 sq. ft. larger. The scale is well under what has been broadcast about this community.

In summary, we think we have a well thought out thorough plan and that will work for the benefit of the community. The Town, including the Planning Board, will have continuing oversight, and we ask that this plan be approved based on the relevant factors. Thank you very much for your attention.

Donald Wilcenski: Thank you. OK, I'd like to start from this side of the room. Everyone you can use either podium, but please write your name and state your name for the record and direct your comments to the Board. Anybody from this side? Yes? Again, just to remind everybody, please respect anyone at the podium. Let them speak and be heard. All comments should be directed to the Board—not to the audience.

Vicky Germaise, 345 Bunny Lane, New Suffolk: Many of us here tonight are concerned that the size and the scope of the project is not consistent with the basis upon which funding was raised. We were promised preservation and responsible stewardship of the waterfront. Instead, we feel the site plan delivers commercial development which will double traffic, parking problems, congestion and divides our community. Many of us have asked persistently for financial transparency, and to see an operating budget and business plan. We'd like to know what funds come in and what goes out. Many of us have donated time and money to this project. Frankly, we are disappointed that it became a commercial development. What has been acknowledged by the New Suffolk Waterfront Fund is that this property can be self-sustaining with just revenue from the marina operations. The current property taxes are under \$2,000, which is going to change once there are substantial buildings. But, the marina revenue from the 2012 season was \$21,000, which would very nicely cover keeping this an open space with just marina activity. Thank you.

Donald Wilcenski: Thank you very much. Anybody else? You can step to this side if you like. Please write your name for the record and speak into the microphone.

Tom McCloskey, 15305 New Suffolk Avenue: This is the third anniversary of the purchase of my home. Doing our due diligence on purchasing that home, part of it was concern for the space at the end of New Suffolk Avenue, .4 mile from where we live. We were told at the time and in doing our research we were led to believe that there would be no commercial venture there. Recently, we have learned otherwise. My family and I have been supporters of the New Suffolk Waterfront Fund, both with heart and money. We have since recused ourselves from any further protestation. What I would like to bring to your attention—you know, we've heard about concerns about parking, traffic, etc. What I haven't heard is anybody discuss the impact on real estate values and the ability to sell homes in the town. How that is being affected. How the uncertainty of the project. Being a local realtor, I encountered in the past ten days two buyers who are hesitant to go forward with any offer to process on a piece of land and on a house in the community because of the indecision and concern of what's going on on that property. I would ask the Board to take that into consideration because it affects everybody in that community; homeowners can be hurt financially. There could be a decrease in property values due to a commercial venture at the end of the street. Maybe a folded commercial venture at the end of that street. The history of restaurants making it on that property are few and far between. In the last 40 years, there have been 4-5 failed ventures. And that is without the restrictions that are being placed on it by the community and by the Town Board. So, I think it is going to be a more difficult situation for restaurants to flourish under that circumstance. The community does not want to see a position where we have a failed business on our waterfront or an improperly finished business on the waterfront similar to the situation that you have with the bank building on Main Road in Mattituck with a fence around it and grass 3' high. So, we really appreciate you to consider those facts. Thank you.

Donald Wilcenski: Thank you. Anybody else on this side of the room? Anybody in the center? Yes?

Julie Saul: 875 King Street, New Suffolk: I own a home on the corner of King and First Streets, right across the street from Captain Marty's. I love my house. I began renting in New Suffolk 13 years ago when there was an operative restaurant there that I liked to go to, but I sure wouldn't have wanted to be living across the street from it at the time because there was reggae music. It was a lot of fun, but I was living several blocks away. I think I'm the only person who has spoken so far who lives in direct proximity to the property. I think it's important that I express what my scenario is, because I'm right there. I, too, have volunteered and was very excited to halt the commercial activity that was proposed for that spot. Everybody was horrified at the thought of stacking marine boats. Even the notion of a simple café seems like a very, very nice idea. But this is now development in a negative sense in my opinion. This is creating a problem that does not exist. Thanks to the enormous efforts of this Committee and many members of the community, have cleared the site, have gotten things to a place where it's beautiful; it's clear. The marina has been rebuilt. It is not too late to stop. In my many years of living, I have seen so many proposals that have gone very, very far in real estate—both in the city and the country—stop at a certain point when they saw they were no longer feasible. This is about our community. It's a wonderful community. I'm there mainly on weekends and several weeks in the summer, but I have so many friends there. I have friends who are pro and con. But this is dividing the community,

and I believe it's really not serving the community. Our existing restaurant, Legends, is a very nice restaurant. There are issues, and very few people actually go there from New Suffolk. So we are creating a restaurant for people to come to from far and wide. What is the point? The beauty of that site—and I am very interested in historic preservation—is the preservation of the property as a beautiful natural site. Maybe the buildings could be preserved as a pavilion or some place where people could picnic, or something much simpler. But the impact is incredible. The Chowder House, which I serve something like 500 hamburgers at—the traffic up and down the street—the golf carts carrying people because they can't walk two blocks to the site. This is a small, simple community. That's why people love it. This would change the character of the community forever. Thank you.

Donald Wilcenski: Thank you very much. Yes, sir?

Gregg Rivara: I've been privileged to be a part of the New Suffolk Waterfront Fund Board for four years. The Board members are volunteers, both past and present that I have worked with are among the most talented, generous and community-minded people as I have ever met. My life and work has taken me all over Long Island and beyond. I have seen firsthand poor planning and the loss of our traditions and heritage, especially on the waterfront. I believe that the plan before us tonight for the future of the New Suffolk Waterfront is a good one for New Suffolk and for all of Southold Town. Thank you for your consideration.

Donald Wilcenski: Thank you. Please write your name. Anybody from the center? Yes, sir?

Stanley Brown, 15075 New Suffolk Avenue: This statement is on behalf of myself and my wife, who could not be here: "Within the parameters of the Town Zoning and existing vocabulary, the plans prepared by the Board of the New Suffolk Waterfront Fund for the (inaudible) and preservation of the New Suffolk Waterfront are not only appropriate for the uses that might be made of the area, but also sensitive to the spirit of New Suffolk and the environmental requirements of the property. Especially considering that for more than 100 years, the property has been a commercial and industrial site, the current plans offer a respite from such intensive use, and allow us to revert to a more natural state—not a completely natural state, but still allowing the community to enjoy the waterfront and access to the bay. It is our hope that you will look favorably upon the request for approval of these plans." I'd just like to add to this statement--and I have expressed this directly to the Board of the Waterfront Fund--that I agree with those who are concerned about the lack of communication from the Board to the community about the financial situation and about the business plan. It is my understanding that there is an upcoming community meeting next month which will start to address this. But I think in terms of the site plan and the purview of the Planning Board, I hope you will approve it.

Donald Wilcenski: Thank you. Yes, sir?

Michael Simon: I am one of the original members of the Board of Directors. I also am one of the people who submitted letters. I mentioned a few things that I don't think

have been touched yet, most of which are in the letter that I submitted. There are differences in perceptions not necessarily difference in facts; and I believe that when the Board—and I have every reason to believe that it does--looks at the facts—not just weighing the facts that people allege. Some of them may decide for themselves what kind of things are as scary as they are indicated and some deserve to be taken more seriously. I don't live across the street from it—I live on Second Street and Main Street, which is one block from the waterfront. I don't have the same kind of perceptions that other people (inaudible), although I certainly am sympathetic to people particularly long residents who were used to the place when nothing much was going on there. I feel bad anytime when one has a new structure, new property or new use near to where you happen to live. A couple of simple facts on this: many of the letters I have seen talk about a major commercial operation. A commercial operation is simply a concession within the building (inaudible). There's a modest amount of money that might go to the authority, whether it's a public or a private corporation which is not to be considered objectionable in general compared with other things that go on.

A couple of things that are probably not very well known about the history of the site: there have been a number of restaurants in the site of the former Galley Ho with many different owners. It did not go out of business. I've been there almost 30 years. What happened that finally led to the formation of the Board was, as people have mentioned, this 3-story boat racks, with 150 boats and 250 cars right across Main Street. That didn't happen because a lot of us worked through the Planning Board and other government agencies and LWRP—and they got a positive declaration which means they would have to go so far in order to keep the property. So they released it (inaudible) raise the money and some people, maybe foolishly, decided to do this. The only way to stop these battles that have been going on for 30 or 40 years to try to keep it from turning into condos or country clubs or whatever would be planned. One small fact that hasn't been touched on—what about if this restaurant fails? Nobody knows—it's not a major restaurant—it's small. However, the reason why the restaurant closed the last time was because the previous owner (we bought it through the help of Peconic Land Trust) actually went out of business because the owner wanted to develop boat racks. He had a chef there and they were doing OK. Many people in this room probably ate there as in Legends and its predecessor. (inaudible) liquor license. Which meant a lot of business. That was the whole idea. The chef was pretty much close to leaving when there weren't going to be enough jobs. He actually left. The restaurant closed. It was so suddenly that it happened. You can check the record on this in the newspaper. He sued the owner of the concession and won for essentially breaching his contract. The restaurant did not fail; it was closed by the owner in order to release it for something much more profitable to the owner—namely these 3-story boat racks. Of course, this restaurant isn't guaranteed to fail, but it is not a very extensive.... So as far as the beautiful site is concerned—there are people in New Suffolk who weren't born yet, and some people remember when it was just (inaudible) when it was a commercial area, then a failed one and it was a mess. Then there were periods when there were restaurants—there was a pool hall down there—this is all in the last 25 years. So, it has kind of looked good most of the time. There were two thriving restaurants going on until this group of citizens decided to see if we could have a vote (inaudible) and so far it has been very successful. The communication—there's a lot of grouching about it. For whatever reason, we did not conceal any information. You'll see letters that

describe how this was all done in secrecy. I don't see any evidence of this, but I know there are a lot of people grouching about it. Every good project has some opposition. It looks like there is a prevailing understanding of it as the facts are. This is--not only as pointed out by Pat McIntyre—consistent with zoning rules and planning rules that's actually doing pretty much what we set out to do. It doesn't seem that the objectives (inaudible) I wasn't going to say anything because I thought the letters to the record and the fact that the Planning Board is going to do its own examination of what and how much view is going to be blocked by this (inaudible) between the Galley Ho and (inaudible) to the right. So I'm confident that on the merits, it looks, I think I'm pretty confident about the way it will be decided. I wasn't going to read some of the things that I read in the paper, but I think (inaudible).

Donald Wilcenski: All right, thank you. Once again, this is an open forum. Everyone will have the opportunity to speak. One thing I just want to say: the Planning Board is here to analyze the project as we move forward. We are not here to polarize the community. That's something you all have to do and come together. After listening to everybody over and over again and getting the letters and everybody is being redundant, I don't want to take your time away—everybody has a chance to speak—but I think the community needs to get together and it will help move this thing along a lot better. Go ahead, sir. You are next.

Tom Cornwell, 500 West Cove Road, Nassau Point, Cutchogue: My concern is twofold and maybe threefold. The noise from what we understand are going to be special events are obviously a concern for us since we are directly across the water from the Galley Ho. I think probably everybody on Nassau Point, New Suffolk and Pig's Neck should be concerned about that. What I heard tonight is about the approval of how the septic system is going to be handled really troubles me because if in fact it is going to be leached into the water—not directly—but it is going to be leached into the water including directly across, that potentially makes swimming a real issue for us as well as the shellfish beds. So that, I hope, the Planning Board is going to look into very, very carefully and there should be a DEC study I guess as well. What I don't understand—and this has nothing to do with the legality of what they are doing—my understanding is The Fund could not put multiple uses on the property. Because frankly, that's the original submarine base in this country—why in Sam Hill that's not preserved is quite beyond me. I would have really, really have liked to have seen that (inaudible) in the code that can fully do certain things, and that was not one of them. If that is not the case, then I would be even more upset with the plan.

Donald Wilcenski: Thank you. Would anyone else like to address the Board? You can step to the other podium. Yes? Please write and state your name for the record.

Lauren Grant, 2980 Grathwohl Road, New Suffolk: (inaudible) There had been two restaurants on the waterfront up until 2005. They operated very well together, there was never any problem. The Waterfront Fund has been extremely upfront in trying their best to keep the community up to date on what's been going on. The plans committed before you have been worked on incredibly hard and the Waterfront Fund has put so much effort into all of the work that has gone into these plans and to where we are today. Under the impression that we had the blessing of the community, where this last

month of lack of support has come from, I really don't know. I know you said don't bother with this—but there are a lot of untruths being spread around. I personally find that offensive because I am also the editor of the newsletter that we send out doing our best to keep everybody up to date on exactly what is going on. Everything we've done to date has been in the newsletters. Thank you.

Donald Wilcenski: Thank you. Yes, sir?

George Maul: I live on the corner of First and Jackson in New Suffolk. I'd like to thank everybody who has worked to preserve New Suffolk over the years in many, many ways for doing incredible things. I think the issues that concern the community—of course you know parking, traffic, financing the project and the scenic view. Just a couple things that haven't yet been brought up that I would like to touch on. One is that with regard to the view. On the site plan it appears to me in the landscape legend—I'm not a landscaper but I'm sure you guys know that along the edge of the property along the northeast side—on the landscape plan it says there will be JD 10 and JM 12 which I believe are 12' and 10' shade tree and something else I don't really know. But things like that block the scenic view. I think that on the retaining wall—whatever the height might be—4', 4-1/2'—whatever is necessary for the septic system. On top of that retaining wall there are also things called IGC or CAH which are 3-4' high, which means 4-1/2' plus another 4 or 5' which adds up to 8', which basically means that instead of protecting the scenic views so that someone can from the street see the bay, we have items on the site plan that are contrary to that idea. I guess part of that is to make the property look nice—I don't really know. I think in New Suffolk what we really want is to be able to see the bay from the street. That's called a scenic view in my opinion. Nobody really knew when this project started that we were gonna have Hurricane Sandy, that it would be necessary to have 6' of dirt from the ground where the street height of Legends is to the floor of the Galley Ho. Nobody knew that when this project started. The original (inaudible) there was open space, there was a call for the post office, there was a call for a restaurant, there was a call for a yacht club. Nowhere in there was a call for special events for catering. No one wanted this to be a festival site. I don't know how these things have come into the mix.

With regard to money, I'd just like to echo what Tom said about this project not turning into something like the Hudson City Bank project in Mattituck. I don't know how you can work against that, but I guess you'll take that into consideration because I am sure you are very familiar with that project. I'd just like to add to that, many people have given a lot of money. People in this room have given a lot of money to this project in the belief that it would be more preservation and less development. Now, granted, this has been a wonderful project in terms of raised boat sheds and condominiums and things from 20 years ago. But we are here now, and why can't it be better than that? OK, it's better than what it was gonna be. But why can't it be better still. It doesn't take more money to make it better still. It takes less money to make it better still. I don't understand the concept of putting as much in a ten pound bag as necessary. I believe that the Zoning Board, if I'm correct—I'm not sure—but I believe that the Zoning Board made their approval contingent upon this site plan approval. Because this site plan was not there last year at the Zoning meeting in January when only three or four people opposing this project were present. In essence, the approval of this project is up to you

to handle part of what would have been Zoning's issue because they didn't have a site plan to look at at that point. Nobody did. Now we are looking at it—now there are more concerns. These concerns came from the site plan. This site plan in my opinion does not take the rest of the community into consideration. This is a site plan for itself. This site plan does not take into consideration Hurricane Sandy that we all went through. It raises the grade as Tom Wickham said. It raises the grade—which is a good thing—but there are places on this where the water flows around the raised grade and causes other problems. I don't know where (inaudible). Who deals with that issue? Is that a planning issue? I don't even know how that issue is dealt with.

I just want to say that the wonderful conservation easement on this property. Carol Friedman in your Planning file sent a very short letter that says that the five parking spaces indicated on this plan are for the easement only. So I don't understand. There are five spots there—are they for the easement? Are they for the restaurant? Again, it seems a little defective to me to have spots there that are used for both. I don't understand how that works. I don't see how the size of trucks that come to Legends every day can turn around in that parking lot. I don't see how that happens. I'm glad it's not a paved parking lot, but it's still a 38-space parking lot. The parking lot on the other side of town is 38 spaces and this one is 38 spaces too. When you talk about wonderful lot coverage of 7%, you're not talking about the size of this parking lot—that is not included in that number. In addition, Carol Friedman from the NYS Department of Parks and whatever those other things are—said when I called her to ask, because I read through the easements that have been signed by the New Suffolk Waterfront Fund—it says that they are not allowed to conduct commercial activity on that easement. Now on the website for NSWF it says “rent a spot to keep your boat” on the easement. There are boats on that easement today. I don't understand if these people are so environmentally conscious of what's going on and they have such a well thought out plan, why are they using public park land to park boats and charge money for that. It says on the bottom of Carol Friedman's letter “we trust that the Town will review the site plan for conformance with the conservation easement.” So I trust that you will review that issue.

Donald Wilcenski: Yes, we will.

George Maul: Just to sum up, I would like to ask the Board to find a site plan in this process that works in conjunction with the surrounding neighborhood—not at the expense of it. That's all I have to say.

Donald Wilcenski: Thank you, Mr. Maul. Would anybody else like to address the Planning Board? Yes, sir?

Kevin McAllister: Good evening, I have been your clean water advocate for 16 years and I will continue in that role. I am not here to speak to probably the merits of the site plan as it pertains to traffic, noise, site lines, etc. But I am here to speak about clean water. I want to correct I guess some misinformation. As we understand it now, relative to water pollution from wastewater, we are looking at bacterial contamination and then nitrogen. Those are the two principal problems. Obviously, as we build our infrastructure, thousands of septic systems start to add up relative to the nitrogen going

into our groundwater as well as bacterial contamination. With respect to the County Health Department, they are a delegated authority from New York State DEC, which was subsequently or previously delegated by the EPA under the Federal Clean Water Act. So, there are certainly obligations with respect to their oversight and regulatory authority on wastewater and septic systems. The three feet that you hear—that's the depth from the bottom of the pitch pits into ground water. That separation drives soils, enhances the tilling effect of bacterial contamination. When these systems are immersed in groundwater, then we lose that effective till effect. Ultimately that's when we see bacterial levels that could be elevated in near adjacent waters. So, clearly you've heard from I guess the engineering report-- -depth of groundwater is about 4', so the (inaudible). There may be compliance. This is really important. I know the Planning Staff has heard this, Town Board has, perhaps the Planning Board has from myself over the years. Because certainly I've been clamoring about it around the horn if you will, around the entire East End and beyond. Townships, the local authorities, you have the authority to have more stringent sanitary codes than Suffolk County Health Department. That's provided by State statute and reinforced through case law cite a community up in the Catskills. So, make no bones about that. So when I hear some folks say well, the buck stops with the Health Department, well, currently it does. But you can change that landscape if you so choose. You would either get Town Board action as well as the Planning Board in codifying more stringent regulations.

Speaking to the system on the site plan itself, I think there are some real positive elements to it; obviously the pervious surfaces for the parking—I think that's real positive. Certainly they seem to have addressed any storm water concerns on site with recharge basins for the dry wells throughout. It looks like they're capturing all the storm water that might come off the site. I'm a little sketchy on their plant selections, but I hope they will apply bayscaping principles--certainly with the use of native plants and minimizing the turf areas. I did see some lawn space certainly over the seepage pits.

Let me speak to the Fund and this site. The public is invited to a chowderfest and other activities. Talking to the leadership from years ago, we talked about trying to advance wastewater treatment here with the best available technology. Quite frankly—and this is certainly supported by documentation and analysis from other groups throughout New York State. New York State and Suffolk County in particular is back of the class as it relates to outlying areas, other states and other jurisdictions. That includes upstate New York. We do the same-old, same-old. In the last 8 or 10 years after clamoring about this, we are starting to have this conversation that waste water is the principal cause of water pollution. Particularly in the back waters or tidal creeks. Now this site, as cited with respect to Health Department approval, the conventional systems—is this going to be the big polluter of the bay? Of course not. If it's implement, (inaudible) available technology is it gonna clean up the bay? Of course not. But there's a great opportunity here—and I'm speaking to the Board, hopefully speaking to the leadership—there's a great opportunity here to step forward and be a prototype of best available technology. As I understand, the wastewater flow exceeds 1,000 gallons or a couple thousand gallons per day. That puts it up into the intermediate flow here with the Health Department. Again, subscribing or deferring to Health Department approvals for this: certainly you don't have a code that would apply more stringent applications, but they have approved two new systems that are effective

at denitrification. I understood a couple of years ago when I did note with certainty that the Waterfront Fund had talked to the principals or at least one of these advanced systems. This is a great opportunity to incorporate this. It's a great opportunity to fundraise around this so when folks come onto your grounds—again, you have a prototype. We need what I call beach heads. We need to start establishing advance treatment. In the big scheme of things, is this really going to matter? Perhaps not. But is it a great educational opportunity? Is it consistent with the conservation ethic that certainly the Waterfront Fund is trying to project and bring forward. Educational opportunity--it's there. I implore the Waterfront Fund. Again, this isn't about denial or approval as is, but take the opportunity to try to seek approvals and incorporate into your site plan design state of the art treatments that currently exist and is approved by Suffolk County Health Department. Short of that, on the system itself, there are four innovative techniques that are being employed now where there is a permeable barrier that could be placed adjacent to the bulkheads that can actually denitrify that wastewater as it moves from the system to the receiving waters. Again, I am facing and talking to the Board, but certainly I hope my points will be well received from the Waterfront leadership. Really, take some timeout here and do the right things. Step forward and be out front of this—be a hallmark for innovation like other states that are so far ahead of us. We have to start somewhere and this is just a great educational opportunity. Thank you.

Donald Wilcenski: Thank you very much. Very good comments. Anyone else? Yes? We have someone in the back.

William F. Grella, 1200 First Street, New Suffolk: There is one property between me and this site. I have to commend the Fund for the efforts that have put forward. We contributed time and money for this project. It's much better than some of the other plans that were previously proposed. My question is: "WHY?" Why is it necessary? Because they have the capacity to do it, I don't think that necessarily is a reason to do it. New Suffolk is a tiny hamlet; we are on a dead end street. I've been in the restaurant business 25 years before I became a doctor. One of the things my father told me is "never build a restaurant on a dead-end street." Restaurants also have a failure factor of close to 50%. So I don't think it's necessarily the most well-conceived use for this property. I know what goes on down in that area when we have the chowder fest and such. The traffic is horrific, but it's shortly lived. In this area, you have ten weeks in a restaurant to make your money. You can stay open year-round, but really you have ten weeks to make the money. And that period of time is when people of New Suffolk enjoy their properties, also. To be inundated with the amount of traffic and commotion and everything else that's going to go on on that property concerns me. We have two small kids. As it is now, we have problems with traffic coming down the street at a high rate of speed, which isn't really necessarily that fast, but it's a high rate of speed for that area. Now there's double the amount of cars or traffic on a regular basis in the summertime if it's even a successful venture. My concern is this is off the beaten path in New Suffolk; it's not on 25. People don't even know it's here half the time. Now you're gonna be starting to drag these people down. They say it's only 7% of the property that's gonna be utilized, but, as a physician, if I have a patient who has 7% cancer in their body, it's not something I want to be there.

If it's going to kill the individual, it's just as bad as if it were 100%. And that's what this is to me. This is something that's gonna lead to be what I consider the destruction of what is a beautiful jewel on the bay in New Suffolk. Thank you.

Donald Wilcenski: Thank you. Yes? Mr. Wickham.

Tom Wickham: I am a resident of Cutchogue. I have training in soils and water conservation engineering and I spent a good 25 years of my life in that field. I'd like to comment briefly on the water regime. Not so much the septic system, but the concern about another Superstorm Sandy or even just the regular northeast storms that come from time to time. I think you are all aware—the Planning Board is aware that we have rebuilt the bulkhead and we have added additional height to the original bulkhead. That will clearly provide greater protection to all of New Suffolk in a normal storm. I say normal meaning the regular kind of northeast storm that we get from time to time. When it comes to another Superstorm Sandy, anything that the New Suffolk Waterfront Fund does or doesn't do is totally insignificant. When the Peconic Bay rises up 8 or 10' high, it's gonna come into New Suffolk as it has done historically and as it will probably do again someday. What we have done and will do or not do will have no impact on that. I would like as a former Board member of the Fund myself—I was on the Board I believe for six years starting right at the beginning. We rotate off for term limits and so I am no longer on the Board. I would like to just respond to a couple of other comments about the snack bar. The idea of a snack bar, which we are now calling the Galley Ho café, has been in the plans from the very beginning. The very first meetings, the very first year, that was one of the intents that we had to establish that. The idea was never to have a restaurant as a cash cow. The suggestion I've heard repeatedly over the last few weeks is: this is gonna be a big commercial development. As was suggested a few minutes ago, if you put it at the end of a road it may not be a very successful restaurant. When I was on the Board, we were not looking for a really big classic restaurant that's gonna make a lot of money and have a lot of traffic. A snack bar that would attract boaters who would come in from outside, tie up their boat, can get a hot dog and a beer or something and get back on and go out again. That was the concept that we had at the beginning and that I believe still animates the Board as we plan what has now evolved into a café. It is not a restaurant. I would not regard it as a major commercial development. It is not a commercial development, and I believe the Fund has been consistent about this from the beginning right up until today. I don't think it's a situation where the Fund had tried to start off with something and then morph into something else more intensive. I believe that this is in keeping with what the Hamlet Studies proposed for each of the hamlets here in the North Fork; namely, a focal point—a center—a place where residents can come and have a cup of coffee, maybe pick up a newspaper, can visit with their friends in the community and have a sense of community. That's why I joined the Fund. That's what I think this site plan would deliver. Thank you.

Donald Wilcenski: Thank you. Would anybody else like to address the Board? If not, Pat, would you or Barbara like to rebut at all? I'm sorry—we have someone else...

Susan Grathwohl-Dingle, 7400 New Suffolk Road: I did not plan to speak this evening.

I want to return to a point that you had made earlier, that you were noticing that there was quite a bit of lack of agreement in the community regarding the site plan. I just would like to call that to your attention, because that's significant. We went from essential agreement some time back to now essentially quite a bit of disagreement. And I wanted to speak just for a moment on behalf of what we have often called the spirit of New Suffolk. The spirit of New Suffolk has always been a community of neighbors. Neighbors who care about each other and listen to each other. Although I had written many paragraphs of examples about this, I'm not going to go into them because everyone here, and probably you as well, know that New Suffolk is rather famous for being a community with a certain kind of spirit that appreciates our shared traditions and our shared living space in a very beautiful part of the world. It seems to me that we need to remember that spirit as we go forward. This is a process in which it seems that we have lost our way as a community of one spirit. I would just recommend (inaudible) that you help us, by helping us return to the need for us to have a consensus that everyone feels great about what we are doing with our free space and that we will not lose our view of the open water, and our view of ourselves as a community with a spirit that is worth preserving beyond any particular use of our space. Thank you.

Donald Wilcenski: Thank you. Yes, sir?

Joe McKay, 3rd Street, New Suffolk: I have lived in New Suffolk or worked and owned property since 1982. Currently, I have a weekend place there. I live at Peconic Landing. When we moved from New Suffolk to Peconic Landing ten years ago, I retained a cottage there that I go down to every weekend and frequently during the week because I wanted to maintain the roots and the friends that I had established there. I fell in love with the place when I owned the other commercial property next to Legends, which is now called Summer Girl. I bought that and ran it for several years as the New Suffolk Emporium. Just about on the day I opened that business, the condominiums had been proposed—27 condominiums spread across the waterfront of this entire property. People were out with banners protesting the condominiums. What the property looked like then was somewhat ramshackle. The Galley Ho was there. There was the oyster factory—not right on the property but adjacent. There were three old storage sheds going back to the submarine base days that totally and completely blocked the view, but were so beautiful to me because they evoked the marine heritage that we had there and they were old weathered barn wood. There was a post office and general store, right at the very end of Main Street. That post office and general store, together with the Galley Ho, provided a space where people mostly from New Suffolk could get together. And they did. People would come into the post office, go next door to buy a paper as Tom Wickham said. A paper, a cup of coffee, a donut, sit down and talk, open their mail. It was that kind of getting together that caused New Suffolk to be as close and as tight as it is. I can honestly say that probably most of the people here—both the concerned citizens and the people who are concerned about the concerned citizens—probably have left their doors open as an open invitation to be burgled. But I'll bet you also that nobody will be burgled because of the closeness that has been established in New Suffolk as a result of people meeting on this very property. When the post office burned down in 1993—this was after the condominiums were defeated and two other marine proposals that went way out into the water.

Convention center, hundred slip marina, blab la blab la. Big, big, big restaurant. But then when in 1993 when this little tiny post office/general store burned down, people were really heartsick. We felt that the heart of the community had been destroyed. And the civic association, which has been active in this community since 1969, sought another space to open a post office. We were about to lose it and be incorporated into Cutchogue. But we found another space and we opened the post office. We felt that was something at least to help preserve this closeness—this constant contact with each other that people in New Suffolk had. But what we were missing was that opportunity to get together. The Galley Ho did provide that to some extent. And I've gotta say that the Galley Ho was run by a man you probably remember—Dean Blakey—who, yes, he was a commercial establishment and yes, he was in it for the money. But he loved being in New Suffolk and he loved the casual, casual restaurant business. He did not run the kind of establishment that was a problem for the community at all. So a combination of the Galley Ho and that general store provided a place where people could get together casually and eat, drink and talk. When the post office burned down, there was a drive began. I was president of the civic association at the time. People felt there absolutely had to be such a place again. And we called the Peconic Land Trust and said: we know this isn't open space like you are used to preserving like farmland. But is there any way you can help us here move toward a community ownership of this space. He said: well, we're not just in the business of open space—we're in the business of (John Halsey) heritage preservation. While the heritage here may not be agricultural heritage, it is a marine heritage. And Yes, we will definitely help you. And so they opened a file. When I finished being president of the civic association in 1996, I headed up the first waterfront committee which was created by the civic association. The waterfront committee to begin exploring this idea of preserving it in some way. Then, as it has been pointed out, by 2003, the Peconic Land Trust did say this seems to be the opportunity that you have been waiting for. They had kept the file all those years and said this seems to be the opportunity you were waiting for when the proposal by the then owners, Raynor, to pile up those boat racks and to expand the restaurant was defeated. So, the New Suffolk Waterfront Fund came in with that idea of providing this kind of space—the preserved marine heritage and that provided a place for the people in the community to get together. I then went on to the Board of the Waterfront Fund and have been on it until last June when my turn was up. I can honestly say that in all that time, years and years and years of attending meetings, going to committee meetings and subcommittee meetings, planning and re-planning, going before various town planning boards and zoning boards and health and everything else, that our intention has been to do something that was for the benefit of the community. Now, one of the things that happens is people move into a community and they remember exactly what it was that they saw on the day they first saw New Suffolk—which is a unique place. What it was they first saw. And if they saw like I did, a ramshackle waterfront that to me evokes the romance of all of the past marine heritage, that's one thing. And if people came down in 2007 and saw a big open space, that's what they saw. However, everybody who has moved there has known as long as I have that that space has been open for development. It was only when the New Suffolk Waterfront Fund with the help of the Land Trust closed on that space that its future was somewhat secured. And real estate values at that point were known to have gone up. Now in the period since then of planning what this would be, as Barbara and Pat said, it has been revised and revised and revised. We feel at this point that the

plan presented to you is as close as that plan that existed up until 1993, and will do the job for the community. I know that there are people who are concerned about how it will be, about traffic and views. I really believe that once this is on the ground and running, people will be very, very, very pleased. And the people who come down to look at property on the day we are up and running with this plan will want to be there forever. The previous restaurant that existed after the Galley Ho when Dean Blakey got into a dispute with the landlord and overnight took the Galley Ho sign off and moved out to Southold and people went down the next day for lunch and wondered what had happened to him. After that, the people who came down to New Suffolk to operate restaurants in that space, which are the epicenter in recent history and the knowledge of most of us—they were down there—they thought wow, look at this waterfront, it's magic, I'm gonna make a million bucks here. And they all came down and put money in and opened up million bucks type restaurants and they all failed. We knew they would fail and we were not surprised that they did. There has never been our intention to do anything like that, but to provide a space that we are not allowed to call a café in the submission, we can't call it snack bar, we can't call it community center, but that's what it is. It's a place where we will be able to meet and get together. So, I do highly recommend that you approve these plans. Thank you.

Donald Wilcenski: Thank you. Yes?

Barbara Solo, 1400 4th St., New Suffolk: I am a born and raised New Suffolk person. My dad before me lived in New Suffolk. Over the years, there has been many, many changes. Yes, we had the waterfront. My dad talks about crap shootin' under the stars, saloons, all this other stuff. That's gone—it's history, it's over. Over the years I have seen those buildings go down, although you could see through them and you could see the water. As nothing stays, it's nice. You could go down to the post office, see the water, stop and chat. Why do we need a restaurant there, or a café? It involves spending lots and lots of money. And we are all supposed to be part of this New Suffolk thing. But why do we need a restaurant? Somebody had said: why don't we stop now, while we can still afford it? The traffic in the summer is horrendous just because it is. We are on a dead end. Let's not bring them down here. Send them out to Greenport—there's a million restaurants out there. I'm just speaking from emotion. I'm sure all this compliance thing and everything is all well and good. I'm sure if Donald Trump wanted to build a casino down there and he complied, he could probably get away with it, too. But is it right? And that is my question. Thank you.

Donald Wilcenski: Thank you. Yes, Diane.

Diane Harkoff, Legends Restaurant, 835 First Street, New Suffolk: One of several things I would like to say is that I think we should bring democracy back to New Suffolk. It has been many years since the survey was taken at the little red schoolhouse. There are 280 families in New Suffolk. Some of them may have one person on the deed, some may have two. I think that everyone needs to vote on what is happening in our community. The New Suffolk Waterfront Fund has not had a meeting with us about this since some time before Sandy. Most people in New Suffolk did not know about the ZBA meeting—only those on First Street that were touching the property by certified

mail. It was never informed to the community in general that the ZBA meeting was going on. It was done in the wintertime when many residents were not there at all.

If this were to go forward, I think that we need a performance bond. Construction and ongoing maintenance costs associated with the project are considerable. We don't even know how much this is going to cost, but I would guess it would have to be a million or a million and a half for a snack bar. Something far simpler is in order. Restaurants are number one on the list for new businesses for sale. The community would be saddled with the debt and trouble of a ghost village and a failed plan if this happens. Again, it would be reminiscent of the Hudson City Savings Bank on Main Road in Mattituck.

If there is a restaurant and then there are separate catering events which you've heard could be in the 6-8 category, where are those people going to park? I've heard offsite, but the site is not revealed. If it's the ball field in New Suffolk, that doesn't seem quite right to me either. But is that another use for the property? Are community events another use? Is boat storage another use? We were told that there would be an outdoor counter service, which is not allowed according to the Marine II Restaurant stipulation.

According to the Flood Damage Prevention Code: Chapter 148, it says "no new construction, substantial improvements or other development shall be permitted unless the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the bay flood more than one foot at any location." I think that we need to have a flood plain development permit here. I think that FEMA needs to do a study about New Suffolk. New Suffolk is an area of special flood hazard. One of the objectives of the flood damage prevention is to minimize expenditure of public money for costly flood control projects and to ensure that those who occupy the areas assume the responsibility for their actions. In addition, it says that "the Zoning Board of Appeals can hear and decide appeals if there is an error in requirement, decision or determination. In determining this, they shall consider all technical evaluations, relevant factors, etc." A (inaudible) cited is: what is the importance of the service provided by the proposed facility; what is the necessity of a waterfront location as well as many other points. In addition, it can be appealed to the Supreme Court.

I believe the information about the historic nature of the building is in error. Again, in this chapter, talking about the flood damage prevention, listed individually in the National Register of Historic Places, a listing maintained by the Department of the Interior or preliminarily determined by the Secretary of the Interior. I do not believe that this is a certified historic structure.

This project is contiguous to a Critical Environmental Area--The New York State conservation easement. It has joined the parkland which has the conservation easement on it, so automatically it should be considered an impairment of the environmental characteristic of the CEA (critical environmental area). That's number one. Number two: I think the New Suffolk Waterfront property itself could also be considered or be declared a CEA because its exceptional or unique character is the

subject of neighborhood significance, open space and important esthetic or scenic qualities. I strongly urge the Planning Board to look further into the significance of this land and designate it as CEA before we destroy what's left. So I think we need a traffic study, an environmental impact study, a FEMA flood plain study, and I wonder if a storm water prevention plan was put in place. I think that's all I have to say for this moment.

Donald Wilcenski: Thank you very much. Anybody else? Yes?

Paula Flaherty, 1215 Lufton Point, Mattituck: New Suffolk is a town that's divided over this, but I do also concur with the idea of putting this to a vote. I used to be on the Planning Board of Bethlehem, PA. Many of these programs where a town was divided would end up going to a vote and it usually was resolved amicably that way. So, I do agree with a vote. I also think the residents feel very, very betrayed because this whole thing started out as one thing and it really has evolved or morphed into something much, much bigger. I don't even live in New Suffolk, but somebody here said what's right and what's wrong. I agree that you've gotta do what is right. You are Board members and you're here to serve this community. I think the majority of the community is pretty much saying that they are opposed to this. I will also say this: I am listening to the plans about a septic that's going to be raised. When I lived in Pennsylvania, we had clay soil. Our septic failed—we had an 11-acre farm. The only way that we could get a new septic in was to put in what they call a sand mound. They were ugly—they looked like an Indian burial ground—and very, very, very expensive. That eventually failed--as it turns out they usually do because they work against gravity. You have the stuff going up and then straight out; so what happens is there is a power outage. For example, as in a storm, often the national grid has power outages at this North Fork location from Greenport to Riverhead. So, I think the whole thing is ill-conceived, and I have nothing to gain or lose because I am not a resident. But I have been listening and I wanted to hear the whole story from everybody to make an objective opinion. I'm just thinking that what is right is right and the people who live here have to live with it. These Boards and people who operate restaurants—they come and they go—but the people here, second and third generation, I just think that the property owners should all have the opportunity and the privilege to take a vote on what is going to happen to their beloved New Suffolk. Thank you.

Donald Wilcenski: Thank you. Yes, sir?

Phil Loria, Mattituck: I was the previous owner of Captain Marty's for 31 years. So I think I can say I know what happens on the northeast when the tide comes in. We certainly have a high tide in New Suffolk. If you approve this project, there's gonna be a big thing (inaudible) 4' high, water is gonna go around it. It's gonna cause quite a bit of erosion; I suspect the fishing station will probably be eroded out in a good northeaster or a Sandy. Tom mentioned earlier that a storm could be higher—whatever. If they are gonna build something it has to be higher than whatever. You should take that into consideration. I am very concerned about the people on First Street. New Suffolk takes a beating on a northeaster, and after the storm is over everybody drives down to see all the damage that happens in New Suffolk on First Street. The people on First Street have to take the brunt of it. They are gonna be faced with all this water coming

around the restaurant, causing all the erosion—water will probably be over the window sills in Legends. (inaudible) house will be under water. So what's the Town gonna do for the people on First Street. It's a big project. I think the people who live on First Street have to get serious consideration of "what you're going to do for us." If Southold Town is going to give them the OK to do this—think about what you're going to do for the people that live down that street. They're gonna be faced with flooding, erosion, all the problems that we've had. I think you really have to think about all that if you're gonna give them the OK to do this.

Donald Wilcenski: OK, thank you. Would anyone else like to address the Board?

Aida Hartung, Old Harbor, New Suffolk: I would like to talk about the elevation. I think that it will definitely increase the danger and flood and storm tide damage. I think we'll have a lot of that. I have pictures from the last storm that we had. This was elevated land which was vacant. This is water which stayed there for four days. The Town had to come in and vacuum it out. I believe that if you elevate this land, anything that's around it will flood. I have a little demonstration, if I may.

Donald Wilcenski: No—I don't think we are prepared for that. This is all recorded, we can't see it. Just continue with your verbal explanation.

Aida Hartung: I would like you to really consider that. Because I couldn't get to the post office with the last storm. If you elevate this land and all the other land around it is not elevated, I believe the water would just go straight onto First Street. This is not from the Bay—this is just staying there, rippling, coming in, surging. So, I would like you to really consider that.

Donald Wilcenski: Thank you. Anyone else? Yes?

Vicky Germaise: Very quickly: from a purely financial standpoint I think we need to have it explained to us very, very clearly how the limited nature of the snack bar—the construction costs and maintenance costs—are going to be justified? That's what I don't understand. They're saying they don't want a million dollar restaurant (inaudible) people from outside; it's a community place to go and have a cup of coffee and a donut. It's a lot of cups of coffee and donuts to pay for the construction of this thing. You can't have it both ways. It either is a tiny little community place--where I don't understand how it makes financial sense should we embark on this—or it is a big operation, which I think none of us want. They've got to present the financial and let's see the projected construction costs. Also, what is the business plan; what are their projected revenues? It's truly unknown. It seems that they are doing it on specs. It's a lot of money to spend in a serious flood zone that has all the potential for a lot of damage. Why build something there? I don't get it. I'd love to be convinced otherwise. Thank you.

Donald Wilcenski: Thank you. I would like at this point to have Ms. McIntyre or Barbara--it's up to you if you'd like--to answer the questions. I think the Board—we are going to leave this hearing open until July 7. So, we will have another hearing. We will reopen on the 7th. In the meantime, you have the right to send in more letters or emails

or documents—whatever you choose. It's getting late but we do want to hear you and we will be again continuing this Public Hearing on July 7.

Barbara Schnitzler: Just in closing because it is late. I think that the (New Suffolk Waterfront Fund) Board and I have to take responsibility for this since I was the Chair of the Board for the last few years. We have been very remiss in communicating with the community. I do believe if we did share our financials—which we are not obligated to do—we are a 501(c)(3) and we do our annual filings as required. But, if we had, there would not be somebody up here saying that the \$20,000 marina income could pay our bills or fix this property. We just are fixing the marina at a cost of \$400,000. We bought the property for \$3 million, so I do think we know how to manage it. I think we've had great financial success so far. I think we have a really good track record of listening to the community--listening to what they want. This is all a surprise to me. A year ago, we were before the Zoning Board. I did communicate; we sent several letters out about that hearing. We did not try and hide it in the winter season. That was the way it was scheduled. We did have very good support at that hearing. We will make amends. We are having a community meeting on July 12 at which we can answer some of these questions. I'd just like to give one example when Kevin McAllister was talking about that available technology. I spent a huge amount of time at which some of the Board members—I invited Kevin to be on it, with Phil Loria from Captain Marty's—I invited him to be on it—looking at a decentralized sanitary system for our property because we do have land. We thought it would be really great if we could help Legends out with their sanitary problem—they have to be pumped out all the time. So, we thought, great—we could have everybody in town get into this system. I went to the Health Department with Bob DeLuca from Group for the East End. We finally got a proposal. The Health Department said, OK, we'll design the system—we'll pay to design it. I said OK if you pay to design it, do we have to build it? They said Yes. And I said how much? Our system as we are expecting to pay for it is \$25,000. That system was \$250,000. So, when Kevin McAllister says be out in front of it—we were too far out in front of it. We were beyond the Health Department; they weren't ready for us. Probably five years from now that system will be more accepted. We tried, and the only reason I am bringing up that example is because that's how our Board has operated in every arena possible to us. We have always worked to be out in front of it. We have always looked for all the alternatives, and I hope that we can continue to do that. I hope this has been a good beginning, the conversation. There's obviously a million questions here that need to be answered. We hope to begin answering them at the community meeting in July. Thank you.

Donald Wilcenski: Thank you very much. I think before we close for the evening, I would just like to—I think I could speak for the Board—that we hope that the community in hearing everybody's remarks—something stands out more than anything is the fact that everybody wants to get along. I think with a little extra help and getting together more and coming up together with a plan in solidarity it will make everything go a lot smoother and make our jobs easier too.

Janet Geasa, Esq., Wickham, Wickham & Bressler: Attorney for New Suffolk Waterfront Fund. I just want to address a couple of items—I know everybody is anxious to go. After listening very carefully to what everyone has to say both pro and

con, I think the objections fall into a couple of categories. One is: people have raised a lot of issues that are not really before this Board on the site plan application. They are going back over issues that are really ZBA issues, that are really Health Department issues. I can understand people have concerns and they don't necessarily know in which category they fall or how they are properly raised, but I know you do know that. I would just like to ask you to refocus on that after having heard everything you've heard here tonight. I also think there were a lot of issues that really fall into the category of speculation: what if? Of course, people are always concerned about "what if?" But I think you have to say that you can't always determine that nothing is better than something. On a personal note, I have spoken to my partner, Gail Wickham, and I've seen the plans. This is a very thoughtful, focused plan. I am sure you have seen that all of the objectives that you need to consider have been addressed in detail by this not-for-profit corporation. There could be a commercial development there that wouldn't even take into account the inquiries that these people have been looking into I believe for the betterment of the community. So, I think we would ask that we refocus on those issues that are actually before you. I know you said you want to close the hearing?

Donald Wilcenski: No, we will leave it open.

Janet Geasa: I would ask that you close the hearing and allow us to submit letter recommendations.

Donald Wilcenski: I need a motion to keep this hearing open until July 7?

William Cremers: So moved.

James Rich: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries. This hearing will be kept open until next month. If anyone cares to write or send emails to the Planning Department, we will take all your considerations. Thank you very much for time and patience. Everyone have a good evening.

APPROVAL OF PLANNING BOARD MINUTES

Donald Wilcenski: I need the approval for the Planning Board minutes of **May 5, 2014**.

James Rich: I make a motion.

Bill Cremers: Second.

Donald Wilcenski: Motion made and seconded. All in favor?

Ayes.

Donald Wilcenski: Motion carries. I need a motion for adjournment.

James Rich: So moved.

William Cremers: Second.

Donald Wilcenski: Motion made and seconded. Any discussion? All in favor?

Ayes.

Donald Wilcenski: Motion carries.

There being no further business to come before the meeting, it was ADJOURNED at 8:48 p.m.

Respectfully submitted,

Linda Randolph, Transcribing Secretary

Donald J. Wilcenski, Chair